

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,
RELIGIOUS AND MINORITY VIOLENCE

BACKGROUND STATEMENT

Governor Edmund G. Brown, Jr's 1982 Task Force on Civil Rights made three findings:

1. That racial, ethnic, and religious violence is a pervasive fact of life in many communities in California.
2. That the level of frustration, alienation and distrust in many minority communities is disturbingly high.
3. That economic political and social trends "threaten to increase the chances of further intergroup violence."

In May 1984, Attorney General John Van de Kamp announced the creation of a Commission on Racial, Ethnic, Religious and Minority Violence to conduct a two-year investigation of incidents of violence based on discrimination against members of minority communities.

The Commission is composed of representatives from racial, ethnic, religious and minority communities throughout the state. The Commission will have the assistance of the State Department of Justice, and in particular the Office of Community and Consumer Affairs and the Public Rights Division, and establish liaison with a wide variety of governmental and private agencies including the Fair Employment and Housing Commission and Human Rights Commissions throughout the state.

6-12-84

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,
RELIGIOUS AND MINORITY VIOLENCE

DISCUSSION DRAFT

STATEMENT OF PURPOSE

The Commission's mandate is to:

--Make a systematic study of crimes and violence motivated by prejudice against members of minority communities - Blacks, Hispanics, Asians, Native Americans, religious groups, lesbians, gay men, the elderly, and the disabled.

--Monitor the nature and extent of such crimes and violence and determine if there are any patterns or trends

--Review the adequacy of existing law to protect the civil rights of all individuals in this state regardless of color, age, disability, creed, or sexual orientation.

--Report its findings to the Attorney General and make any appropriate recommendations.

The goals of the Commission are to:

1) Obtain more accurate information to determine the nature and extent of RERMV; and

2) Develop guidelines for a standard definition of RERMV to allow for uniform identification and reporting of incidents of this nature.

3) Encourage implementation of measures designed to decrease the amount of RERMV in California.

8/30/84

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2) Develop guidelines for a standard definition of RERMV to allow for uniform identification and reporting of incidents of this nature.

3) Encourage implementation of measures designed to decrease the amount of RERMV in California.

4) Act as liaison to adversely affected minority communities.

Adopted 9/10/84

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3580 Wilshire Boulevard, Suite 800
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State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

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Secretary
(916) 324-7871



State of California
Office of the Attorney General
John K. Van de Kamp
Attorney General

May 9, 1984

Mr. Joaquin Avila
President and General Counsel
MALDEF
28 Geary Street
San Francisco, CA 94108

Dear Mr. Avila:

I am pleased to advise you that the appointment of all the members to the Racial, Ethnic, Religious and Minority Violence Commission has been completed. I will be announcing creation of the Commission to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release and a list of the members for your information.

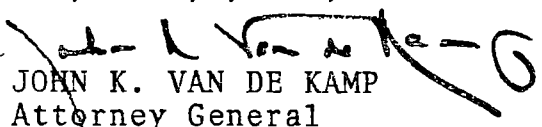
I have asked Msgr. William Barry to chair the Commission. We anticipate the first meeting to be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda. Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report.

Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,


JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs



State of California
Office of the Attorney General
John K. Van de Kamp
Attorney General

May 9, 1984

Msgr. William J. Barry
Inter-religious Council
of Southern California
1400 West 9th Street
Los Angeles, CA 90015

Dear Msgr. Barry:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve as Chairman on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

I would propose that the first meeting be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,



JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado



STATE AND CONSUMER SERVICES AGENCY

Department of Fair Employment and Housing

1201 I Street, Sacramento, CA 95814
(916) 323-4547

May 22, 1985

Msgr. William J. Barry, Chair
Attorney General's Commission on
Racial, Ethnic, Religious and
Minority Violence
1515 K Street, Suite 371
Sacramento, CA 95814

Dear Monseigneur Barry:

Enclosed is a response to the questionnaire the Commission circulated regarding enforcement of the Ralph Civil Rights Act and formulation of guidelines for local law enforcement agencies to use in tracking incidents of violence.

Please feel free to discuss our responses with Earl Sullaway, Deputy Director, who will be presenting our position before your Commission in Los Angeles on May 23, 1985.

Sincerely,

MARK GUERRA
Director

MG:gpr

Enclosure



To the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence.

A response to a questionnaire on the application of the Ralph Civil Rights Act.

By the Department of Fair Employment and Housing (Department).

1. "Is it clear what responsibility law enforcement officers have to enforce the Ralph Civil Rights Act?"

It is not clear. A careful reading of the Act, and of Civil Code Section 52 which provides for some avenues of enforcement, does not reveal any defined role for law enforcement officers.

The Fair Employment and Housing Act (Act) provides that violations of the Ralph Act will be unfair practices. The Department is not a law enforcement agency in the traditional sense of employing peace officers.

2. "In your opinion why is the Ralph Civil Rights Act not being used more frequently?"

There are numerous inter-related reasons:

- o People view violence or the threat of violence as a criminal act. The Ralph Act is primarily a civil damage statute, although it does provide local District or City Attorneys or the Attorney General authority to bring a civil action requesting preventative relief. Subjecting a defendant to a restraining order places that defendant under the original contempt sanctions of the court. However, the Department is not aware of any rules promulgated by the local authorities regarding violations of the Ralph Act.
- o As a civil statute, the Ralph Act does not provide the kind of assistance victims desire. Victims typically want protection. This is not provided for.
- o To proceed under the Ralph Act, victims need to identify some perpetrator. Perpetrators are often not identifiable without investigations.
- o Even when identifiable, perpetrators are sometimes "judgment-proof," lacking visible assets. As a result, an action under the Ralph Act may be considered to be a fruitless involvement.
- o The Act was originally conceived of as a response to organized violence and threats by identifiable groups such as the Ku Klux Klan, Nazis etc. Current problems are more of un-organized individual acts and inter-group conflicts.

3. "Should there be criminal sanctions for violation of the Ralph Act?"

Probably. The conduct covered by the Act, is, after all, criminal in nature. The Act currently provides no deterrent to violence and little remedy.

4. "How should the Ralph Act be strengthened? What problems do you perceive in doing so?"

The Act could be strengthened by providing criminal sanctions for violation of its provisions, and by involving traditional law enforcement (the Attorney General's Office, District Attorneys, police and sheriffs) agencies in its enforcement. Local government agencies may be most effective in preventing Ralph Act violations, since these violations often rise out of local concerns.

Such a change would require legislation leading to an extensive statutory overhaul.

5. "How does the problem of judgment-proof defendants figure into the effectiveness of the Ralph Act? How might this be remedied?"

It is probably futile to file against the judgment-proof defendant unless a restraining order would be sufficient remedy for the complaint.

This could be remedied by providing for criminal penalties.

6. "Should the Attorney General be given more authority to bring civil rights actions under the Ralph Act? For example, should the Attorney General be empowered to bring damage actions for violation of civil rights on behalf of victims? (Under the statute as presently written, the Attorney General is empowered to bring injunctive actions only where a pattern and practice of civil rights violations is shown to exist)."

The Attorney General probably should be able to pursue damage actions and civil rights actions. Under the current circumstances, several agencies could be involved with one incident. Centralized authority would be desirable, especially if it could be complemented with the addition of criminal sanctions. The Attorney General has civil and criminal investigation units which more appropriately may investigate Ralph Act violations.

7. "Would it be of any assistance to law enforcement to have new penal laws directed specifically at violations of civil rights?"

This question is best responded to by agencies with experience in enforcing criminal statutes, such as local police and sheriffs, District Attorneys, and the Attorney General's Office. We support in principle the concept of establishing criminal sanctions to be enforced by local law enforcement agencies.

8. "What would be the effect or usefulness of providing for sentence enhancement where crimes are found to have been motivated by prejudice or bigotry?"

This question is best responded to by agencies with expertise in handling criminal matters. Has the "use a gun, go to jail" statute acted as a deterrent?"

9. "What about mandatory jail time such as exists with drunk driving?"

Same response as to number 8.

10. "It is a criminal violation of federal law to conspire to violate the civil rights of a person. Would such an amendment to the Ralph Civil Rights Act be useful?"

If violations of the Act were made misdemeanors, the amendment would be unnecessary. Conceivably, such an amendment could deter "mob" violence, however, the prevalent situations appear to involve intergroup violence at the local level.

If the Act was amended solely to provide criminal penalties for conspiracies to violate, it could provide an additional tool to enforce the Act against groups, if prosecuted by the local authorities.

11. "What would be the difficulties in prosecuting such a conspiracy complaint, and what should be included to minimize these difficulties?"

This question is best answered by agencies with experience in prosecuting criminal complaints.

12. "Are the guidelines and definitions of RERMV crimes which are being proposed workable in your opinion? What problems do you perceive in the implementation of this definition?"

The definitions and guidelines offered generally appear to be workable. The following areas are of concern:

o Perceived motivation

The general definition should probably read "...appears to be motivated, all or in part, by the victim's race, ethnicity, religion, sexual orientation or perceived race, ethnicity, religion or sexual orientation."

- o Incidents are limited to "solely because of protected group." Page A-2, B(1) question "Did the incident occur solely because of racial, ethnic, religious, or sexual differences...?" The "solely" limitation, if strictly construed, could restrict incidents where animus because of race, ethnic group, etc., was only one of the factors.

Dolores -

Call Irma Castro -
Tell her I put a copy of
this in Mail - does she
want you to read this
to her - I don't know
how soon she needed
this —

r Cooper's escape:

probation report by the Los Angeles County
ment which failed to determine that Cooper was
charges from Pennyslvania, was an escapee from that
an extensive criminal record."

clerical error at the Chino prison when
n Pennsylvania about Cooper and his earlier
put into Cooper's file. This, along with
ation report, led to Cooper's classification
curity prison."

is report," Van de Kamp added, "human error is

1. How do you feel about affirmative action: what does it mean; do you think it is fair? Do you think homosexuals should be hired in the police department?

2. What is the difference between a legalistic police department and a service-oriented department? (legalistic - covers every letter of the law as opposed to service-oriented which focusses on crime prevention, etc.

3. If you think a service-oriented department is more appropriate, how do you feel *about using civilian volunteers from community, etc.*

4. Do you think the law has to be enforced more stringently in some areas?

Situations:

a) There is a local ordinance against drinking in public

However, on 4th of July a lot of people drink in public - do you enforce the law?

Suppose then you drive to an area in town where people are working on their cars in summer - and are drinking beer in public -- do you enforce the law?

b) Say you walked into a bar in an Hispanic neighborhood, and there is someone who is obviously drunk - and can't take care of himself; you go over to him and tell him he'd better go home or you're going to take him in. He refuses - so you go to arrest him; a friend says - hey wait a minute, I'll take him home? What do you do? (If he refuses to release him, what happens if 2 or 3 friends confront him and say they will see that the intoxicated person is taken home - what does he do? (Trying to determine if police can avoid exasperating problem and possibly creating a riot.)

Irma: If you need more, or have any questions about these - please call Michael Hunt on Wednesday (he's out of office on Tuesday - I'll be in L.A. on Wednesday) his number is 916 324-8629. Michael is a former Captain with Union City P.D. and has worked with POST on training of officers, and has sat on many interview panels.

How about bilingual information available for community?

Mr. Thomas F. Coleman, Esq.
P.O. Box 6363
Glendale, CA 91215

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Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs

**SAN DIEGO
CLIPPING SERVICE**

**DAILY
TRANSCRIPT**

MAY 11 1984

* * *

Irma Castro, executive director of the Chicano Federation, was the only San Diegan named to the 15-member Commission on Racial, Ethnic, Religious and Minority Violence created by state Atty. Gen. John Van de Kamp. The commission will study crimes and violence against minority groups and make recommendations on how to deal with such incidents.

* * *

R. F. AMU 602

~~Cham~~
DEKAY, member

Richard Chavez



Office of the Attorney General

June 30, 1984

Dear Richard;

Enclosed are copies of the Vehicle Authorization Form and the Oath which you need to have notarized and a returned envelope. Please sign the copies and return them to us as soon as possible. A stamped returned envelope is enclosed for your convenience.

These forms must be processed before the end of the fiscal year June 30, 1984, so we should have them by June 27, 1984.

MM:dah

Enclosure


Marty Mercado

Chief, Office of Community and Consumer Affairs

CHAVEZ & ASSOCIATES INSTITUTE

a division of Educational Designs, Inc.



June 8, 1984

Mrs. Marty Mercado
Chief, Community and Consumer Affairs
State Department of Justice
1515 K Street Suite 511
Sacramento, California 95814

Dear Mrs. Mercado:

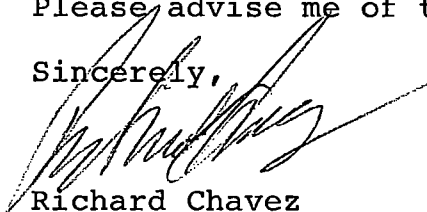
Thank you for notifying me about the RERMV Commission meeting on June 18. Unfortunately, I will not be able to attend. I would very much appreciate your presentation of the following issues for future discussion on my behalf:

- Criminals who perpetrate crimes of violence upon disabled persons should have more severe sentences because of the inability of the disabled person to escape or defend oneself from such attack (i.e., visually impaired).
- Law enforcement agencies as part of their training curriculums to new officers should provide information as to the varying disabilities so as to not confuse a physical condition as a furtive gesture or intoxicated condition (cerebral palsy, deaf, and diabetics).

The Commission in its deliberations of a wide range of criminal justice issues should consider the concerns raised in this letter in the interest of disabled citizens who are vulnerable as victims of violent crimes.

Please advise me of the next scheduled meeting. Thank you.

Sincerely,


Richard Chavez
Executive Director

RC:mp

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 9TH STREET
SACRAMENTO, CA 95814
TTY 323-5901

(916) 323-3086

January 3, 1986



Richard Chavez
Commissioner
Attorney General's Commission on Racial, Ethnic,
Religious and Minority Violence
7668 Telegraph Road
Commerce, CA 90040

Dear Commissioner Chavez:

In response to your request to Dr. Mary T. Lebrato of my staff, I am forwarding a compilation of recommendations for decreasing the incidence of abuse (particularly sexual abuse) of persons with developmental disabilities and for increasing overall response effectiveness.

The Department of Developmental Services (hereafter the Department) administers the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code). The intent of this Act is: 1) to ensure coordination of services to persons with developmental disabilities; 2) to ensure that such services are planned and provided as part of a continuum which is sufficiently complete to meet the needs of those who are developmentally disabled at each stage of their lives, regardless of their ages or the degree of their handicaps; and, 3) to the extent possible, accomplish these goals without dislocating persons with developmental disabilities from their home communities.

The Department is one of the largest state departments, with a total staff of 13,483 in headquarters (Sacramento) and in the eight developmental centers, serving approximately 70,000 clients with a \$877 million budget. The Department is responsible for direct care to approximately 6,585 clients residing in developmental centers, and for administering the funding of community services and case management through 21 private, nonprofit corporations, called regional centers.

California law and regulations provide specific statutory protections guaranteeing a right to humane care and freedom from abuse and neglect for persons with developmental disabilities. However, persons with developmental disabilities are particularly vulnerable to abuse and exploitation because they are viewed by society as weak, incapable, and dependent. Such philosophical and attitudinal barriers are extremely resistant to change and difficult to confront. The individual limitations imposed by a disability are probably the easiest hurdles to overcome with respect to decreasing the vulnerability of persons with developmental disabilities to abuse and violence. I have enclosed an article entitled Sexual Abuse of

January 3, 1986

Disabled Persons and Prevention Alternatives by the Seattle Rape Relief Developmental Disabilities Project which highlights the problem of abuse and exploitation and provides an overview of direct primary prevention programs.

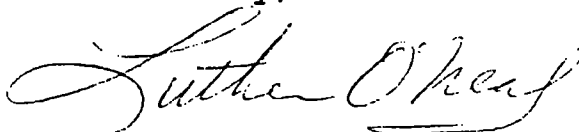
The enclosed recommendations address the problem of abuse, particularly sexual abuse, and have been obtained from a variety of sources as identified in the document. While they are not official Department recommendations, they are intended to provide you with an array of possible activities which can be undertaken in a comprehensive approach to ameliorating the problem of sexual abuse against persons with developmental disabilities.

Several items relate specifically to activities under the authority of the Department of Justice. Others concern professionals within the service delivery system and their interactions with the law enforcement and criminal justice system. Finally, some concern activities involving parents, clients and the general public. Obviously, there is much to be done concerning this problem. The Department is pleased to play an active role and looks forward to a cooperative relationship with the Office of the Attorney General in working toward a solution to the problem of abuse of persons with developmental disabilities.

I will be available at your meeting on January 15, 1986 in Oakland to answer any specific questions you may have regarding the enclosed document. Dr. Mary T. Lebrato of my staff will be available at 916/323-3086 for additional questions, information or assistance.

Thank you for the opportunity to provide input to this important effort by the Office of the Attorney General.

Sincerely,



LUTHER O'NEAL
Chief
Office of Human Rights

Enclosures

cc: Commissioners ✓
Marty Mercado
Coordinator, Commission on Racial, Ethnic,
Religious and Minority Violence

**RECOMMENDATIONS FOR DECREASING THE INCIDENCE OF SEXUAL ABUSE OF PERSONS
WITH DEVELOPMENTAL DISABILITIES AND FOR INCREASING
OVERALL RESPONSE EFFECTIVENESS**

I. MEDIA AWARENESS

A. Clients

- Accurate depictions of persons with developmental disabilities should be presented. Stereotypes should not be perpetuated (e.g., McGruder and Loud TV show where the investigator stopped interviewing the little girl who had been molested when he learned that the child was mentally retarded, implying that she was not a reliable informant).

(Source: Regional Center of the East Bay (RCEB))

- Locate or develop audio-visual presentations for use in client family life/sexuality education programs.

(Source: Area Board VIII)

- Locate or develop pamphlet(s) for use in special education classes on how to avoid sexual exploitation, both at home and in the community.

(Source: Committee on Sexuality of the Developmentally Disabled (CSDD))

B. Parents

- Locate or develop audio-visual presentations for parent training on how to recognize and identify signs of sexual abuse and appropriate intervention responses.

(Source: Office of Human Rights (OHR) of the Department of Developmental Services (DDS)).

C. Residential Care/Day Program Providers

- Locate or develop audio-visual presentations for use in participatory training sessions with providers on several issues related to clients' rights; such as, sexual abuse reporting requirements and intervention techniques, aversive conditioning, clients' rights and assurances, informed consent issues, etc.

(Source: OHR)

D. Involved Staff Persons (hospital, regional center, school, workshop, rape crisis center) and Professionals (doctors, nurses, psychologists and other health personnel)

- Locate or develop audio-visual presentation regarding how to recognize and identify potential and actual cases of sexual abuse, reporting requirements, and appropriate intervention responses.

(Source: OHR)

- Locate or develop audio-visual presentation (demonstration of initial interview) on how to interview a client victim so one is not open to the challenge of influencing his/her testimony.

(Source: OHR, CSDD, Sacramento County District Attorney's Office (SCDA))

E. Law Enforcement and Criminal Justice System

- Locate or develop audio-visual presentation for use with juries to inform them about developmental disabilities and to enable them to better make an assessment of credibility. (Enable jurors to see the person with developmental disabilities as a person, to inform them of the difference between mental retardation and mental illness, and to explain the concept of mental age.) Such a presentation could also be used for law enforcement and criminal justice system personnel.

(Source: OHR)

F. General Public

- Locate or develop a made-for-TV film on the effects of sexual abuse on a person(s) with developmental disabilities.

(Source: CSDD)

- Develop a statewide newsletter focusing on sexual abuse of persons with developmental disabilities.

(Source: CSDD)

- Locate or develop TV spots to increase public awareness and improve public sensitivity to the problem of abuse of persons with developmental disabilities.

(Source: CSDD)

- Make available for free on a statewide basis resource material on the prevention of exploitation and the sexuality of persons with developmental disabilities.

(Source: CSDD)

II. TRAINING

A. Clients

- Through day programs and special education classes provide clients with:
 - training in the prevention of sexual exploitation, both at home and in the community, uniquely designed for children, adolescents and adults, based on teaching guides developed for K-12 levels and for adult education programs.
 - early intervention programs stressing assertiveness, decision-making, self-esteem and body integrity.
 - human sexuality education.

(Source: CSDD, County Protective Services (CPS))

- Provide a statewide toll-free telephone number for clients who have been abused. Establish a central organization/agency responsible for receiving complaints and assuring immediate follow-up. Expand responsibilities of the Crime Prevention Center of the Office of the Attorney General to assist the disabled community in prevention and personal safety measures.

(Source: CSDD)

- Provide training in how to prepare for a courtroom experience.

(Source: CSDD)

B. Parents

- Provide training and support programs for parents in the prevention of exploitation and in the sexuality of persons with developmental disabilities. Make sure the training includes values clarification and provides assistance to parents in reducing the likelihood of intrafamilial sexual exploitation and abuse. Finally, the training should identify alternatives to being sexually active.

(Source: CSDD, CPS)

- Provide a statewide toll-free telephone number for parents of clients who have been abused. Establish a central organization/agency responsible for receiving complaints and assuring immediate follow-up. This mechanism should be part of the Victims' Hotline with referral to specially trained staff.

(Source: CSDD)

- Disseminate pamphlets to parents regarding their children's vulnerabilities to sexual abuse.

(Source: Illusion Theatre)

C. Residential/Care Day Program Providers, and D. Involved Staff Persons and Professionals

- Provide training in the prevention of exploitation, dealing with the special needs of the families and victims who are developmentally disabled (including how to provide individual and group follow-up support), sexuality of persons with developmental disabilities, values clarification, and provider responsibilities with respect to clients' rights (reporting, intervention, follow-up).

(Source: RCEB, CSDD, CPS, Monterey Rape Crisis Center (Monterey), Illusion Theatre)

- Provide training in how to assist law enforcement and district attorneys in gathering evidence, interviewing clients, and providing assistance in case prosecution. Such training should be mandatory for client case managers/counselors.

(Source: RCEB, Monterey, CPS, SCDA)

- Encourage coordination and cooperation with schools in the development and delivery of human sexuality education programs for persons with developmental disabilities and in conducting workshops in local communities on the recognition and prevention of sexual exploitation.

(Source: Area Board VIII)

- Include sexual abuse exploitation prevention programs for the disabled in the school curriculum presented by the classroom teacher.

(Source: CSDD)

- Create a Developmental Disabilities Training Center, with funds from various government and private sources to provide and coordinate statewide training for parents and providers.

(Source: CSDD)

E. Law Enforcement and Criminal Justice System

- Provide training in the awareness of needs and capabilities of persons with developmental disabilities and how to work successfully with clients in gathering evidence and prosecuting sexual abuse cases. Such training should be incorporated into the Peace Officer Standards Training (POST) pre-graduation program and in the Continuing Education of the Bar (CEB) courses and/or annual conference for attorneys and judges. (See attached Curriculum Module on Developmental Disabilities developed by the Association of Retarded Citizens-California (ARC-CA) for use in POST, dated August 9, 1983.)

(Source: SCDA, Area Board VIII, CSDD)

- Develop a manual to assist district attorneys and expert witnesses to more effectively deal with sexual exploitation of persons with developmental disabilities.

(Source: CSDD)

- Widely distribute the Prosecutor's Notebook entitled "Prosecuting Cases of Physical and Sexual Assault of the Mentally Retarded" by Susan Aguilar, Sacramento County Deputy District Attorney, as well as the "Response" prepared by Nora Baladerian.

(Source: CSDD, OHR)

F. General Public

- Develop resource materials on sexual abuse reporting and the prevention of sexual exploitation and make them available statewide for free.

(Source: CSDD)

III. STANDARDS, POLICIES, AND PROCEDURES

A. Clients

- Ensure that the need for sexuality education and sexual exploitation prevention training is specifically addressed in the individual program planning process as well as in the individual education planning process

(Source: Area Board VIII, CSDD)

B. Parents

- Disseminate information on sexual abuse reporting and identification procedures and on how to be supportive to their child who has been assaulted.

(Source: OHR, Illusion Theatre)

C. Residential Care/Day Program Providers

- Clarify regional center monitoring responsibilities regarding facility compliance with abuse reporting laws.
- Identify current procedures for conducting criminal record clearances for facility employee hires and areas in need of improvement (e.g., explore limited liability for a facility when an immediate hire is essential; out of state criminal record clearances; fingerprint checks).
- Establish a policy for the immediate suspension with pay of alleged abuse perpetrators with legal protection for the facility.

- Establish legal or administrative sanctions against the knowing hire of convicted sex criminals by all facilities serving persons with developmental disabilities.

(Source: Area Board VII, Gateway Center)

- Assure that residential facility standards and day activity program standards which include mandatory components on the prevention and identification of sexual exploitation and appropriate intervention activities are being met. Specify audit and follow-up procedures for assurance.

(Source: Area Board VIII, CSDD, OHR)

- Coordinate efforts and share resources of various state agencies such as the Department of Social Services (DSS) and the State Department of Education (SDE) to maximize the impact of sexual exploitation prevention programs on populations with similar attributes and areas of similar responsibilities.

(Source: CSD)

- Improve volunteer care and condition monitoring of residential facilities.

(Source: CSDD)

- Develop a Memorandum of Understanding (MOU) with the Department of Aging's California Ombudsman program and with the Department of Rehabilitation for dependent adult abuse intervention responsibilities.

(Source: OHR)

D. Involved Staff Persons and Professionals

- Establish standards for identification and reporting of sexual exploitation of persons with developmental disabilities.

(Source: CSDD, OHR)

- Clarify and provide functional definitions of what constitutes abuse.

(Source: Stepping Stones)

- Develop uniform guidelines for determining when an investigation of an allegation of abuse is warranted.

(Source: AB 238, AB 1603)

- Provide standards and procedures for use by Adult and Child Protective Services (APS, CPS) personnel to ensure the appropriate response to sexual exploitation of persons with developmental disabilities.

(Source: CSDD)

- Assure that the mandate to counties for APS is being met.

(Source: ARC-CA)

- Establish a mechanism to obtain follow-up on cases referred to CPS or APS through the Special Incident Report (SIR) process.

(Source: OHR)

- Identify and vendorize professionals to provide counseling and educational services to regional center clients on human sexuality and training in prevention of sexual exploitation. Facilitate purchase approval process for such training.

(Source: Planned Parenthood - Sacramento)

E. Law Enforcement and Criminal Justice System

- Encourage every County District Attorney's Office to create a sex crime unit which includes staff who are specially trained to work with persons with developmental disabilities who are sexually abused.

(Source: Area Board VIII)

- Develop uniform guidelines for law enforcement assistance on investigations of allegations of abuse against dependent adults conducted by county APS agencies.

(Source: AB 238, AB 1603)

- Encourage law enforcement agencies and district attorneys' offices to identify appropriate professionals known to the victim to accompany the abuse victim through the criminal justice system process and to assist in interviewing the victim.

(Source: Illusion Theatre)

- Establish a policy to ensure segregation of persons who are developmentally disabled from other non-disabled persons to adequately protect against sexual exploitation of the former.

(Source: Stepping Stones)

- Instruct victim assistance programs and battered women's shelters to develop information and referral resources for the disability services delivery system. Ensure that these programs are accessible to the disabled community and that staff are adequately trained to work with victims who are developmentally disabled.

(Source: CSDD)

IV. RESEARCH AND INFORMATION NEEDS

A. Clients

- Research etiological factors related to sexual abuse and prevention strategies.

(Source: Community Services Division (CSD) of DDS.

- Research the effects of sexual abuse on persons with developmental disabilities.

(Source: CSDD)

- Establish a data base by modification of the Department of Justice (DOJ) "Child Abuse Registry Statistical Report" and the DSS Dependent Adult Abuse Reporting System to determine:

- incidence of abuse/neglect
- relationship to offender
- disability diagnosis of victim (prior or resulting disability)
- sex, age and residence at time of abuse
- disposition (residence/referral)
- treatment outcome and length (follow-up)
- District Attorney disposition/court outcome.

(Source: RCEB, CSDD, OHR)

- Determine how the needs and circumstances of our clients differ from other victims of sexual abuse and whether or not additional protections are necessary to deal with abuse by family members.

(Source: RCEB, CSDD)

B. Parents, C. Providers, and D. Involved Staff Persons and Professionals

- Determine how to identify clients who are or have been sexually abused. Determine how to evaluate levels of client socio/sexual development for use in intervention with both client victims of sexual abuse and clients accused of sexual offenses.

(Source: CSDD)

- Determine how to confront stereotypical sex role attitudes by those in positions of authority over clients, which place blame on female victims.

(Source: RCEB)

- Evaluate the efficiency and effectiveness of the CPS and APS systems, identifying areas in need of improvement.

(Source: Area Board XI)

E. Law Enforcement and Criminal Justice System

- Define what makes an expert witness and create a network of identified resource people.

(Source: CSDD)

- Develop a jury instruction on assessing the competence and credibility of persons with developmental disabilities who serve as witnesses (with accompanying points and authorities).

(Source: OHR)

V. LAW REVISION

- Encourage the Law Revision Commission to review and recommend revisions to the law with respect to legal protections for persons with developmental disabilities (e.g., Penal Code provisions on consent, regarding victims and perpetrators; conservatorships; sterilization; etc.).

(Source: SCDA)

- Correct the problem with the Penal Code section on consent (section 261.6) which states that consent is "positive cooperation in act or attitude and exercise of free will; to act freely and voluntarily and have knowledge of the nature of the act or transaction involved". Under Penal Code section 261, however, it is automatically a crime to have intercourse with a person incapable of giving legal consent. Therefore, if X is found incapable of giving consent, and Y client has mutual sex with X, then Y is guilty of a crime automatically. This is contrary to

DDS philosophy to promote policies which enable persons with developmental disabilities to lead more independent, productive and normal lives.

(Source: SCDA, CSDD)

- Enact enhanced criminal penalties against persons entrusted with the care of, and the provision of services to, persons with developmental disabilities who are subsequently convicted of sexual abuse against persons with developmental disabilities.

(Source: Area Board VIII, CSDD)

- Change rape laws, particularly in relation to sexual abuse of developmentally disabled persons, such that clear distinctions are made between "cooperation" and "consent." Promote the pursuit of abuse and rape cases utilizing assault criteria rather than the more stringent rape criteria in order to obtain more convictions.

(Source: Area Board VIII, CSDD)

ASSOCIATION FOR RETARDED CITIZENS - CALIFORNIA
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Curriculum Module — Developmental Disabilities
For use with the Commission on Peace Officer Standards and Training
Basic Course Unit Guides — Volume 2, Community Relations
Part 4, Community Service Concepts
Objective: **H. Developmental Disabilities** (Proposed)

DRAFT

August 9, 1983

2.2.4 The student will identify the folkways, mores, values, and particular needs for police services of each of the following community groups:

H. Persons with Developmental Disabilities

I. Introduction to Developmental Disabilities

A. Encounters: A man or woman has walked into the wrong restroom. A young adult male or an elderly male stands near a school or park where small children are playing and stares at them for long intervals. An awkward, severely obese young woman, poorly groomed, stands on a street corner thumbing for a ride. A plain clothes officer offers her a ride, and she asks him for twenty cents, two dollars, or twenty dollars.

Potential sex offender, rapist, prostitute? Possibly. It can just as easily be that he cannot distinguish between the symbols on the doors or cannot read them at all. It may be a developmentally disabled person, who, after having received rejection from people his age, tends to associate with children or simply enjoys watching their activities. It may be that the young woman is offering nothing in return for the ride or the money.

The above examples do not imply that a developmentally disabled person is never involved in a criminal activity. If he is, he has the same legal responsibilities as any other person, and you are free to process him through the normal channels. IF, HOWEVER, YOU SUSPECT HE MAY BE DEVELOPMENTALLY DISABLED, IT WILL BE HELPFUL FOR YOU TO CALL THE LOCAL REGIONAL CENTER AND/OR ASSOCIATION FOR RETARDED CITIZENS SO THAT THEY ARE AWARE OF THE ARREST, AND CAN BE OF ASSISTANCE TO THE PERSON, HIS FAMILY, TO YOU, AND TO THE COURTS.

B. What is the Regional Center? The Regional Center is an agency that acts as a focal point through which individuals with a developmental disability and their families are helped to utilize appropriate public services to meet their special needs. These centers, which are mandated and funded by the State of California, are found throughout the State.

The regional center acts as an advocate for developmentally disabled persons to assure that they receive services appropriate to their needs. The centers are linked to the criminal justice system both as an informal referral source and as a resource to the courts through Penal Code 1370.1.

C. What is the Association for Retarded Citizens? The Association for Retarded Citizens-California was founded over thirty years ago by parents and friends of people with mental retardation. The Association has played a major role in the

advances of statewide and national service programs for mentally retarded citizens, as well as played an active part in the areas of prevention and information and referral.

Today, the Association numbers over 22,000 members and 52 local non-profit units throughout California. Local ARC programs include family training and counseling, personal advocacy, infant stimulation, sheltered workshops, developmental centers, community residential services, and recreation and leisure activities.

The ARC continues to promote the welfare of mentally retarded persons of all ages, working to assure that those with developmental disabilities can grow to meet their maximum levels of independence.

D. Overview of Developmental Disabilities: Developmental Disabilities as defined by California law, include **MENTAL RETARDATION, CEREBRAL PALSY, EPILEPSY AND AUTISM**, as well as those conditions closely related to mental retardation or requiring similar treatment. (See Welfare and Institutions Code Section 4512) These conditions must originate before age 18, continue or be expected to continue indefinitely, and constitute a substantial handicapping condition for the person. Conditions that are solely physically handicapping in nature, or transitory are not considered to be developmental disabilities.

It is possible for an individual to have more than one such handicap, but because a person has one type of disability you cannot assume that he is handicapped in any other way. For example, a person with cerebral palsy may or may not speak at all because of the palsy, but have normal intelligence.

Approximately three percent of the total population have developmental disabilities. In California, that translates to roughly 745,000 persons. Only one percent of these 745,000 persons are currently living in state hospitals. In fact, each year more and more are remaining in or returning to the community.

Peace officers, therefore, will inevitably live with many developmentally disabled persons around them, both in private and public life. Increasingly, as new teaching techniques demonstrate that these individuals do more than we ever imagined they could, more are staying in their communities and in their own homes, group homes, foster homes, or special care homes.

If the peace officer understands the basic facts about developmental disabilities:

- *S/he can be a force for understanding and acceptance of citizens with developmental disabilities in everyday life activities.

- *S/he will be better equipped to recognize and handle developmentally disabled people when s/he finds them in a typical cross-section of situations requiring police action.

- *S/he will handle with understanding those developmentally disabled people who are acting in violation of the law.

The needs of the members of our communities with developmental disabilities are the same as yours and mine — to be loved, to be important to someone, to feel worthwhile, to have a sense of worth and human dignity.

E. Personal Attitudes: When encountering a mentally retarded or otherwise developmentally disabled person, people are frequently at a loss as to how to act. Some of the more common inappropriate reactions include:

1. The tendency to assume that a disabled person is sad.

2. The tendency to pity the disabled person.

3. A penchant to focus so intensely on the disability that the person's other qualities are overlooked.

4. The practice of treating people who have disabilities as if they were children. The habitual use of the juvenile forms of first names is an example.
5. The avoidance of people with disabilities.
6. The tendency of trying to speak for handicapped people instead of letting them speak for themselves.
7. The failure of self-discipline in avoiding use of derogatory handicapist humor.

II. Mental Retardation

A. Overview of Mental Retardation: One out of every 10 Americans has a mentally retarded person in his family. Over six million individuals in the United States will be identified as mentally retarded at some point in their lives.

B. What is Mental Retardation? Mentally retarded persons are those who develop at a below average rate and experience unusual difficulty in learning, social adjustment and economic productivity.

Mental retardation should not be confused with mental illness or emotional disturbance, although a retarded person may—like anyone else—become emotionally disturbed. Mentally retarded people simply have a learning problem, they learn slower than others.

Mentally retarded persons are of every race, religion and nationality; every educational, social and economic background.

Mental retardation is not an illness, not a disease, yet it affects more children than all other handicapping conditions combined.

Mental retardation is a lifelong condition; consequently, program services are directed at training the individual rather than curing the condition.

C. Classifications of Degrees of Retardation: There are traditionally considered to be four levels of mental retardation.

1. Mildly Retarded: The vast majority are classified as mildly retarded. They differ from non-retarded people only in the rate and degree of intellectual development, and usually display no physical disability. Many mildly retarded persons hold regular jobs and are self-supporting, but may need guidance and assistance when faced with unusual social or economic problems. Peace officers are more likely to come in contact with mildly retarded persons, as they are commonly members of the general community.

Because of their difficulty in finding friends, and their eagerness to be liked and make friends, mildly retarded people generally tend to be followers and to be easily led.

2. Moderately Retarded: Persons who are moderately retarded may be more easily recognizable since many have physical characteristics which accompany the retardation. Moderately retarded persons have greater difficulty in intellectual functioning than the mildly retarded person. The moderately retarded person is usually capable of traveling alone in familiar places, and may live in an independent or semi-independent manner. Most moderately retarded people live in a family or group residential setting, and many attend sheltered work, or adult community programs. Many persons with Down's Syndrome (formerly called "mongolism") can be described as moderately retarded.

Moderately retarded individuals may be used by law breakers as patsies and foils. They frequently have poor judgment on large decisions, and therefore can be taken advantage of or abused.

3. Severely Retarded and Profoundly Retarded: Severely retarded and profoundly retarded persons are generally not able to use sophisticated abstract reasoning which would demonstrate the consequences of acts. Severe physical handicaps may accompany these degrees of retardation, including major speech impediments, vision and auditory problems, lack of coordination, orthopedic impairments, etc. These individuals are unlikely to be dealt with as other than as victims.

The severely retarded and the profoundly retarded are easy targets, and thus may be the victims of deviates. Many will tend to watch or play with younger children functioning at their mental level.

D. Missing Persons: Missing person cases are common situations in which a peace officer may encounter a mentally retarded individual. They can wander away from their place of residence, and may be found walking aimlessly in the streets, sitting idly on a fence watching traffic or people. They may not speak clearly and may have little or no money with them. They may have boarded the wrong bus or gotten off at the wrong stop. They may be confused, in need of direction, or help in decision-making. Retarded adults are as likely to become lost as retarded children, but this is not to imply that this is true of all retarded persons. The degree of disability will determine the level of intellectual functioning. Retarded persons can learn their way to many different places; many travel unescorted daily. However, in unfamiliar locations they are sometimes unable to find their way, and may need assistance.

E. How Mental Retardation Differs from Mental Illness: The only similarity is the word "mental". Mental retardation and mental illness are separate and distinct conditions.

Mental illness may strike at any time; it is usually temporary and reversible. Retardation most often occurs during the period of development or is present at birth or early childhood. Any person, however, can be made functionally retarded from brain damage resulting from encephalitis or similar infections or conditions, or from severe head injuries.

Mental illness is primarily emotional disturbances which are generally treated by psychiatrists and associated workers. Retardation is basically a problem of educating and training to the maximum level of independence and self-sufficiency. It is usually the concern of educators and other human service professionals rather than psychiatrists and medical personnel.

In dealing with the mentally retarded person, one can generally expect rational behavior on whatever mental level s/he operates. The mentally ill person, on the other hand, may vacillate between normal and irrational behavior. S/he may be erratic, even violent. Violence is not a part of retardation, except in the same situations which produce violence in non-retarded persons: fear, self-protection or mental illness.

An individual can be, of course, both retarded AND mentally ill at the same time, just as any of us may have a variety of non-related handicaps or diseases at the same time.

III. Cerebral Palsy

A. What is Cerebral Palsy? Cerebral Palsy is a condition caused by damage to the brain, usually occurring before, during or shortly following birth. "Cerebral" refers to the brain, and "palsy" to a disorder of movement or posture. It is neither progressive nor communicable. Neither is it "curable" in the accepted sense, although it is often amenable to training and therapies. The condition of an individual with this disorder is usually fairly constant and stable, and recurring attacks or episodes are not characteristic.

Cerebral palsy is characterized by an inability to control motor function. Depending on which part of the brain has been damaged and the degree of involvement of the central nervous system, one or more of the following may occur: seizures, spasms, mental retardation, abnormal sensation and perception, disturbance in gait and mobility, and impairment of sight, hearing, or speech.

The severity of cerebral palsy may vary from slight to severe, depending on the regions of the brain affected and the amount affected. Thus, one person may have a problem with only coordination, another may have tight muscles, another may be weak, and still another may have complete loss of balance. Some people have a combination of these muscular and coordination handicaps. If the tongue muscles are involved, speech may be affected. Problems related to the muscles of the lips and the muscles regulating air flow from the lungs also interfere with speech. Eye muscle involvement may cause an eye to turn in or out which may cause problems with vision or appearance. The problem common to most persons with cerebral palsy is the lack of muscle control affecting both posture and walking to some degree.

Because the human brain is an extremely complex organ with many functions, something which damages the muscle control areas of the brain frequently affects other regions as well.

B. Types of Cerebral Palsy: There are three main types of cerebral palsy.

1. The spastic individual moves stiffly and with difficulty.
2. The athetoid has involuntary and uncontrolled movements.
3. The ataxic has a disturbed sense of balance and depth perception.

There may be a mixture of these types for any one individual.

C. False Impressions: Some persons with cerebral palsy may give the initial impression that they are intoxicated because their speech may be difficult to understand or they appear to stagger when they walk.

IV. Epilepsy

A. Overview of Epilepsy: Epilepsy is a disorder of the central nervous system characterized by abnormal electrical discharges of brain cells resulting in seizures or temporary loss of control over certain body functions. Seizures can be mild or severe, but usually last only a short time. Between seizures, a person with epilepsy is just like everyone else. Epilepsy is not contagious or a sign of low intelligence.

B. Types of Epilepsy: The symptoms of epilepsy vary.

1. A gran mal seizure is a convulsion that comes on suddenly. The person will fall to the ground, may not be conscious, may have uncontrolled movements, may be confused and may be extremely fatigued or sleepy after consciousness returns. It is possible to mistake some of the symptoms of epilepsy with drug

or alcohol abuse, or with heart attack. Even people who recognize a seizure frequently do not know what to do about it.

2. A petit mal seizure may simply be an unconscious repetition of sounds with blinking or vacant staring for a few seconds or minutes. Sometimes mistaken for daydreaming, petit mal seizures are often marked by small twitching movements.

3. Psychomotor seizures are those which are limited to one part of the brain. Usually occurring in the temporal lobe, the seizure takes the form of automatic behavior. Individuals experiencing psychomotor seizures appear to be in a dream-like state and will not respond to outside stimuli. S/he may make random movements with arms or legs, pick at clothes, move his/her lips, repeat sentences, or start to run. Usually, a person with epilepsy has no memory of the seizure after the incident.

C. Identification of Persons with Epilepsy: A person with epilepsy may be wearing jewelry which identifies the disability, and it may contain a telephone number for an emergency contact. Remember, however, that the absence of such jewelry does not mean that the person is not disabled since, as with all of us, the choice to wear jewelry is a personal one.

D. Relation between Mental Retardation and Epilepsy: A high percentage of severely and profoundly retarded individuals are subject to seizure episodes.

V. Autism

Overview of Autism: A person handicapped by autism may be extremely withdrawn, not respond to other people, or make unusual or repetitive sounds or motions (like persistently rocking back and forth). Autism occurs either by itself or in association with other disorders which affect brain function. Perinatal viral infections, some metabolic disturbances, epilepsy, or mental retardation may result in autistic behavior.

Severe autism may cause extreme forms of self-injurious, repetitive, highly unusual or aggressive behaviors. In its milder forms, autism most resembles a learning disability such as childhood aphasia. Usually, however, people with autism are substantially handicapped.

VI. General Recommendations for Dealing with Persons with Developmental Disabilities

A. Recommendations for Mentally Retarded /Developmentally Disabled Persons:

1. Learn the location and names of facilities for developmentally disabled persons in your community. Knowing the locations of the regional center, local Association for Retarded Citizens office, activity centers, sheltered workshops, residential care homes, special schools, recreation centers, etc. could help you to assist a lost person who can only give limited information.

2. If you are unsure whether or not the person has a developmental disability, you may ask them where they live or work, or what kind of school they attend. If they respond that they attend a workshop, live at a family care or group home or attend a special education program, then the person may be developmentally disabled. Most developmentally disabled persons have a counselor or social worker, and they may be able to provide you with a name or a card. By contacting the case worker, you may receive assistance.

B. Techniques for Interviewing Mentally Retarded Persons:

1. Ask short, simple questions, and avoid the use of complex words.
2. Ask open-ended rather than "yes/no" type questions. A person with limited understanding may answer yes/no questions without full comprehension.
3. Give reassurance and help the person to relax.
4. If the person is lost, and cannot tell you their home address, take them around the neighborhood. They may be able to find their home this way.
5. When asking questions, be patient for a reply. The thought process of certain individuals takes longer.
6. To cross-check their responses, you may want to repeat their answers incorrectly. Most individuals who are comprehending will correct you.

C. Dealing with Persons with Cerebral Palsy:

1. If a person appears to be intoxicated or on drugs, evaluate the possibility that the person may have cerebral palsy. In making such a determination, note whether one side of the body appears to be more involved than the other side of the body.
2. Listen carefully in order to fully understand the person with cerebral palsy.

D. Dealing with Persons with Epilepsy: (during a seizure)

1. You cannot stop a seizure once it has started so do not restrain the person or try to revive him.
2. Clear the area around of hard, sharp or hot objects. Place a pillow or rolled up coat under his head.
3. Do not force anything between his teeth.
4. Check for Medical Alert bracelet or necklace.
5. Turn the person's head to the side and make sure that the breathing is not obstructed. You may loosen a necktie or tight clothing, but do not interfere with his movements.
6. Carefully observe the person's actions during the seizure for a full medical report later. When the seizure is over, let the person rest if s/he wishes.

E. Techniques for Dealing with a Developmentally Disabled Person Who is Upset, Angry, or Threatening to Others: (It should be remembered that you will be dealing with an emotional disturbance, not the condition of mental retardation or other developmental disability)

1. Use similar techniques to those for handling a family disturbance call.
2. Calm, direct instruction is the best general approach.
3. As in most police details, handling aggressive developmentally disabled persons presents difficult judgment calls.

4. When a developmentally disabled person is arrested or detained, attempts should be made to determine if s/he is taking required medication. Local regional centers should be contacted for assistance.

F. Types of Contacts with Developmentally Disabled Persons: Discussion of CASE VIGNETTES (See Attachment #2)

ATTACHMENTS:

Attachment #1: Handout #1 - Preliminary Questionnaire Given BEFORE Exposition on Lesson Plan

Attachment #2: Case Vignettes

Attachment #3: List of Local Association for Retarded Citizens Offices

Attachment #4: List of Regional Centers

Attachment #5: Developmental Disabilities Training Handbook

HANDOUT #1.

Preliminary Questionnaire Given Before Exposition On Lesson Plan:

1. What percentage of the population is retarded?
 - a. 3%
 - b. 5.4%
 - c. 8%
 - d. 10%
 - e. 12%
2. The percentage of the retarded people living in institutions is about:
 - a. 3%
 - b. 7.5%
 - c. 10%
 - d. 15%
 - e. 25%
3. Retarded people
 - a. aren't very sensitive about their human dignity
 - b. have the same needs you have
 - c. don't need as much self-fulfillment
 - d. have a lessened need for love and loving
 - e. aren't very aware of a feeling of self-worth
4. Authorities in the field of retardation approve most of a living situation where the retarded citizens live in
 - a. rural areas
 - b. villages designed for them
 - c. institutions
 - d. average sized residences in normal neighborhoods, rural or urban
 - e. dormitories attached to workshops, for the period of training
5. Select the best of the following: most retarded adults
 - a. can work on simple repetitive jobs
 - b. cannot work
 - c. can work in sheltered environments
 - d. can be kept busy in activity centers
 - e. can work on competitive jobs in the community
6. The trend is to have retarded citizens be
 - a. more segregated from society
 - b. given more separated services
 - c. included in the full stream of society
 - d. separated from society except for transportation
 - e. separated from society only in employment
7. If you're going to be retarded, you're
 - a. born retarded
 - b. retarded by early childhood
 - c. a candidate for retardation at any age
 - d. likely to degenerate gradually
 - e. retarded before puberty

8. Heredity accounts for which percentage of retardation?
- a. Less than 1%
 - b. 7%
 - c. 13%
 - d. 20%
 - e. more than 50%
9. Most retardation occurs because of
- a. lack of education
 - b. inbreeding
 - c. poor protoplasm
 - d. evil deeds
 - e. unknown causes
10. Known causes of retardation are most connected with
- a. education
 - b. wealth
 - c. class of society
 - d. race
 - e. prenatal factors
11. Tomorrow any of us could be functioning like a retarded person. Which of the following is likely to lead to such a condition?
- a. having a head injury
 - b. having encephalitis
 - c. having a heart arrest
 - d. all of the above
 - e. none of the above
12. Most retarded people are
- a. mildly retarded
 - b. hopeless cases
 - c. occasionally retarded
 - d. moderately retarded
 - e. profoundly retarded
13. Most retarded people
- a. have speech problems
 - b. have a dull look
 - c. are normal looking
 - d. have abnormal gaits
 - e. have epileptic seizures
14. Most retarded people
- a. live longer than most people because they have few pressures
 - b. live about as long as anyone else.
 - c. die in early childhood
 - d. die in their first decade
 - e. die in their teens

15. Retarded people tend to be

- a. easily led into trouble
- b. resistant to persuasion
- c. unpleasant to people in authority
- d. law breakers by nature
- e. aware of future consequences

16. Retardation responds best to

- a. medicine
- b. psychiatry
- c. special education
- d. physical education and treatments
- e. glandular treatments

17. Do you feel that retardation and mental illness are

- a. very similar to each other
- b. usually found in the same person
- c. the same thing
- d. totally different problems
- e. conditions which follow each other

18. Most retarded people

- a. are shy and backward
- b. won't speak to strangers
- c. don't like strangers
- d. are suspicious of strangers
- e. speak easily to strangers

19. Given the same situation, retarded people are more likely to be

- a. much more violent than the general population
- b. much less violent than the general population
- c. about the same as the general population in violence
- d. slightly more violent than the general population
- e. slightly less violent than the general population

20. Your best approach to get the most accurate responses from a retarded person encountered on the street

- a. firm and authoritative
- b. stern yet impersonal
- c. official
- d. friendly and calm
- e. cool and detached

Attachment #2 — Case Vignettes

1. You respond to a call where an eight year old child is found wandering along the streets. The child knows his name but not his address or phone number. You suspect that he might be mentally retarded.
2. You respond to a call where an adult female is lost. She has limited speech but she is able to say her name and tell you that she attends a "workshop."
3. A call comes in on a reported exposure case in a park. When you arrive, you find a 15 year old boy walking around with his pants open. He knows his name and part of his address but can't answer any other questions about himself.
4. While patrolling, you find a young man who is staggering down the sidewalk and he appears intoxicated. When you stop him for questioning, his speech is slurred but there is no alcohol on his breath.
5. You respond to a call of a suspected rape case. The woman has difficulty answering questions regarding the incident and you suspect that she may be mentally retarded.
6. You respond to a call of a robbery in progress at a grocery store. When you arrive at the scene, the store owner informs you that he was held up by three young men. Two of the suspects have escaped but you find the third suspect hiding behind the store. He is unarmed and obviously frightened and confused. He is unable to answer questions about himself and acts like a child about six years old.
7. You respond to a call about a woman down on the street. When you arrive on the scene, you find a woman who appears to be having a seizure. You check her for a Medical Alert bracelet and discover that she is an epileptic.
8. You respond to a call where a mentally retarded adult has run away from a care home following a dispute with the care home operator. After you finally locate the person, he says that he doesn't want to go back to that care home ever again.

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Napa, Solano, Sonoma

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Orange, Ca. 92668
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Orange

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Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne

Health districts of Inglewood, Santa Monica-West

28 Sexual abuse of disabled persons and prevention alternatives

SEATTLE RAPE RELIEF DEVELOPMENTAL DISABILITIES PROJECT*

Ellen Ryerson

The Seattle Rape Relief Developmental Disabilities Project in Seattle, Washington, has been addressing the problem of sexual abuse of both physically and mentally handicapped children and adults. This article, therefore, will consider some negative and exploitative aspects of sexuality as opposed to positive sexuality. It is difficult for many of us to admit that these problems exist, but there is increasing public awareness that they do. Fortunately, there are some positive beginning steps to addressing these issues that indicate this need not be a neglected area of health education and care.

This article will both describe some of the dynamics involved in sexual abuse of handicapped persons and also consider the special education program concerning sexual abuse created by the Developmental Disabilities Project. Parent participation, which is a vital part of this program, will also be reviewed.

First, it is important to clarify what is meant by sexual abuse and how common this problem is among the disabled population. Our project has been in existence for 3 years. During the first 2½ years, our data indicated that we assisted over 300 victims of sexual abuse who were either physically and or mentally handicapped. These included children, adolescents, and adults. We estimate that only 20% of all handicapped persons who have been sexually abused report these incidents to anyone, and therefore there are hundreds of disabled people in our community for whom we have no data. This 20% figure is partially based on FBI statistics, which state that only 20% of all adult rape cases are reported to social service agencies or police.

If we assume that these 300 persons represent only 20% of all actual victims in

*1825 S. Jackson, Suite 102, Seattle, Wash., 98144, (206) 325-5531

the Seattle area during this 2½ year period, then there may have been 1500 disabled persons who were victims of sexual abuse just in the Seattle-King County area alone. There is no reason to believe the incidence rate is very different in other parts of the country. Sexual exploitation is a pervasive problem that we all need to be concerned with.

Legally, sexual exploitation refers to rape, incest, and indecent liberty, which is more commonly known as child molestation. I would like to define each of these offenses and explain further why we assume such a low reporting rate among handicapped persons who have been victims of these crimes.

Rape refers to sexual intercourse when the offender used physical force or when the victim did not consent to the act. Some states, such as Washington, have an expanded definition of rape. Under this definition, forced intercourse includes oral, anal, or vaginal penetration with a penis or with an object, such as a finger or pencil. Under this law boys and men are considered to be potential victims of rape.*

Some states have included in the rape statute an "informed consent" clause. A person can be deemed by the court incapable of giving informed consent to the act of intercourse, either because of a physical disability, for example, because a person cannot talk or cannot physically resist, or because of a mental disability, whereby the person has no understanding of sexual intercourse or possible consequences. A person who has intercourse with a disabled individual deemed incapable of giving informed consent can be charged with rape under this law. These issues are decided on an individual case basis, and the clause is intended to protect persons who either did not understand the sexual activity or were forced into sexual activity that they were physically unable to resist.

A second sexual offense, incest, is sexual intercourse between family members, usually a grandfather, foster father, stepfather, uncle, or brother with a female such as a daughter, foster daughter, or niece. Indecent liberty, sometimes termed "child molestation," is sexual fondling of the private body areas other than sexual intercourse. These are both extremely common offenses against disabled persons.

Review of data from the project's first year revealed that an alarming 99% of the sexual offenders were people well known to the handicapped victim. Only 1% were strangers. These offenders commonly had considerable access to handicapped individuals. Incest and child molestation are compulsive behaviors, and it would seem that some offenders seek means of gaining access to handicapped persons, often through employment roles. Offenders included neighbors, relatives, bus drivers, work supervisors, special education personnel, and residential facility staff. It is important to consider that sexual offenders are individuals of all ages, races, and

*Statistics indicate that men who rape other men are not usually homosexuals and may have female sexual partners. These rapists choose to perpetrate their violence on other men.

social and economic backgrounds. These are only a few examples of the many types of persons who have committed sexual offenses.

Considering these data, the educational emphasis in many public schools on "dangerous strangers" and "the dangers of accepting candy from strangers" is not the only area of self-protection that needs attention. Our focus needs to be education of youth about inappropriate touching by all kinds of adults, including relatives. We also need to concern ourselves with thorough screening of service providers who educate and care for disabled youth.

The fact that sexual offenders are frequently caregivers or relatives of handicapped persons, coupled with the dynamics involved in these sexual offenses, explains the low reporting rate among this population.

Incidents involving sexual exploitation by a family member or caregiver create a very distorted situation for the handicapped individual. Often the offender will convince the victim that sexual activity between two family members is normal and acceptable. The offender may define the sexual activity as "special" or "secret." For children, secrets are sacred. Children, and often retarded adults, have never been taught to distinguish appropriate affectionate behavior from sexually exploitive behavior and therefore can easily be taught such misconceptions.

The offender has additional control in these situations because youth are taught in general to obey authority figures, particularly relatives and caregivers. Some physically handicapped children are additionally vulnerable because of their limited self-care abilities. These youth are accustomed to being handled for their basic physical care and may not discriminate fondling done for the pleasure of the caregiver or relative as exploitive. Sexual abuse of this nature is rarely reported, but I believe it is probably quite frequent.

In more extreme cases victims are threatened into compliance by the offender. The offender may threaten to deprive the child or adolescent of such basic needs as meals or social activities, or may threaten to tell other "authorities" in the family that she or he has been involved in some imaginary wrongdoing.

Even the victim, should he or she want to report these incidents, lacks information about appropriate persons or resources to contact. Who can be trusted with this knowledge? Who will believe that this has occurred? Some youth also have fears about consequences for the offender or the family if it is reported. Is he or she to blame if negative consequences occur? It is clearly difficult for a handicapped individual to gain assistance when faced with such confusing and threatening issues. Because many individuals do not report offenses, victimization sometimes begins between 2 and 5 years of age and continues for a period of 5 to 15 years. These dynamics are no different in sexual abuse cases involving nonhandicapped children or adolescents. The one difference is the tendency for mentally handicapped persons to be victimized through adulthood because they often continue to live in environments where they are dependent on relatives or caregivers.

PARENTAL CONCERNS

Parents who have attended informational meetings about the Developmental Disabilities Project have expressed a number of concerns and fears regarding potential sexual abuse of their children. If their child is mentally handicapped, parents often fear that he or she is not capable of discriminating between positive and exploitative touching, and that the possibility of sexual exploitation is extremely high. Parents of physically handicapped youth fear that their children are unable to defend themselves or run away from a child molester or rapist. I find it interesting that parents often become particularly concerned about sexual abuse as their children reach adolescence and begin to overtly express interest in their sexuality and intimate relationships. Parents often do not realize that their children were just as vulnerable, or perhaps more vulnerable, to sexual abuse as young children.

Parents are not only concerned about their daughters' safety, but their sons' safety as well. Their concerns are well-founded, because our project has assisted a number of mentally disabled men and boys who were raped by other males.

Parents have expressed fear, but also a sense of hopelessness, concerning their child's inability to protect himself or herself because of a disability. I think that part of this sense of hopelessness results from focusing on the disability of the child rather than on the child's abilities to learn self-protective skills. Parents need to be knowledgeable about high-risk situations regarding their children where molestation or rape may occur. They also need to know the specific self-protective practices that both mentally and physically handicapped children can learn to avoid at least some high-risk situations.

I am concerned about the handicapped child's vulnerability and also with parents' own vulnerability, which results from their inadequate information about self-protection. People in general in our society are often not socialized to protect themselves. We place ourselves in very vulnerable situations to be polite or because we trust in the good intentions of others. In many situations we may not even think of the possibility of assault or sexual abuse. The parents who allow strangers into their homes to use the telephone are vulnerable to assault themselves and also model inappropriate self-protection skills for their children.

In summary, all these areas of concern and uncertainty have lead parents to be motivated to obtain information about sexual abuse and self-protection.

THE DEVELOPMENTAL DISABILITIES PROJECT'S TRAINING AND EDUCATION PROGRAM

To address the issue of sexual abuse, our project has developed an information and education program for handicapped students, special education personnel, and parents. This program includes a special education curriculum concerning sexual abuse for use with students ages 6 through 18 and mentally retarded adults. These materials are designed for use with moderate to borderline mentally retarded stu-

dents and can be easily adapted for hearing or visually impaired and orthopedically handicapped students. The project offers training for special education personnel to increase their awareness and understanding of sexual abuse and to familiarize them with effective teaching techniques for presenting curriculum concepts.

Prior to personnel training or student exposure to the curriculum, an effort is made to provide an overview of this program with parents of the students who will be receiving this information. The project has assisted school personnel with these presentations locally, but special educators in other areas of the country have integrated this program without direct assistance from the project. Our intention is to increase parental knowledge about this problem and also to integrate parental perspectives and ideas into this educational effort.

Before and after our presentation sessions, parents complete an attitude survey that includes items such as the following:

Curriculum materials used in the classroom to teach my child about sexual exploitation would be: excellent; acceptable; not acceptable.

Education concerning positive sexuality prior to education about sexual exploitation is: very needed; somewhat needed; not needed.

Comparative results of this survey indicate that parents either enter the session feeling supportive of this kind of education and leave with essentially the same attitudes, or they arrive with concerns and doubts about the program and indicate a much more positive, comfortable attitude after the session.

The curriculum on sexual exploitation is lengthy, but discussion of one exemplary slide story will provide a general sense of its content. Each slide story includes a series of slides accompanied by a written script with key discussion questions for use by the instructor.

One such story, entitled "Uncle Harry," concerns a molestation incident that an uncle initiates with his niece. The adolescent's visit with her uncle is sanctioned by the residential facility staff where she lives; they encourage activity outside of the residential group environment as a positive growth experience. Uncle Harry takes his niece to an enjoyable lunch. It is important for students to recognize how this uncle is viewed by his niece. He is an authority figure and a loving relative who provides many positive experiences for her. He makes visits away from the group home possible and provides individual attention that may meet important needs for her. He pays for her lunch, which raises issues concerning the favors he provides and her indebtedness to him.

After lunch, Uncle Harry takes his niece to his home where the fondling occurs. The pictures portray the Uncle unbuttoning the niece's blouse and placing his hand under her blouse. The intention here is to visualize the inappropriate actions as clearly as possible for students with learning handicaps. Fortunately, this material has been deemed acceptable by numerous school systems.

The niece's facial expression conveys her confusion about the uncle's actions. She may very well have been sheltered from information regarding sexuality in general and consequently has no knowledge with which to assess his intentions. She is defenseless not because of her mental handicap, but because of her lack of information about sexuality and sexual abuse. Whatever distorted explanation this sexual offender provides will most likely be accepted by her. She has no reason to assume this behavior is wrong and, therefore, to seek help. At this point in the story, students would be asked: "Is it okay for Uncle Harry to do this? What might the niece try to do to protect herself?" Students who have received some education might respond: "I would say no, don't touch me that way." "I would tell my counselor (or mother or teacher)."

With nonviolent sexual offenders, this assertive action may stop the behavior. Students are not encouraged to use this approach if they are threatened or physically forced. The major goal of the story, however, is to encourage students to report these incidents to an authority figure immediately. This is what occurs during the conclusion of the story. The niece is taken home with no apparent harm done. The housemother does not know that anything has happened until the niece reports the day's occurrences. Students are told that Uncle Harry has a problem and needs special help or counseling; he should not be allowed to see his niece alone while he is receiving this help. Every effort is made not to condemn the relative, but to point out that sometimes adults do things which are not acceptable. Also emphasized is the fact that it is not the niece's fault that this unfortunate incident occurred.

This story is one of 12 included in the curriculum, which also contains pictures, cassette tapes, and short stories regarding a number of sexual abuse situations.

Although all this material is taught by special education teachers, nurses, and counselors in a classroom setting, parents also play an essential role in this education. Most important is parental support and reinforcement of this program. This means not only support of education concerning sexual exploitation but also of basic positive human sexuality education. I feel this latter education is essential prerequisite material. Although we have no data to support my contention, I believe that students who do not receive instruction concerning acceptable sexual options prior to learning about sexual abuse are at risk of perceiving all touching, or at least all sexual touching, in a negative light.

I am concerned by the occasional parent who interprets this education to be a method of avoiding issues concerning their handicapped child's sexuality by assuming that the child can simply be taught "don't let anyone touch you or you are in danger." During parent meetings, I point out the need for prerequisite information concerning friendship, intimate relationships, marriage, and other aspects of positive human sexuality. I also emphasize the need for basic instruction concerning anatomy and appropriate terminology for parts of the body.

Many handicapped children have been competent witnesses in court trials because of their ability to discuss their bodies articulately. Very detailed questions may be asked during a trial, for example, "Where did the man put his finger? Did he put it inside your vagina?" The detailed testimony of deaf, blind, and mentally retarded children has resulted in a number of successful convictions in the Seattle-King County area.*

A second critical role played by parents in this program is that of a supplemental teacher to augment classroom instruction. Self-protection skill training must be done in a consistent manner between school and home. If the teacher demonstrates specific strategies to prevent a salesman from entering the home, whereas in reality the mother lets him in and offers him coffee, then clearly we are confusing the child and losing the campaign to teach self-protective skills. To clarify the instructional objectives of our program, parents are provided with two brochures. One brochure outlines sexual abuse in legal and statistical terms. The second brochure describes in a detailed manner the curriculum level at which their child is being taught.

Through mutual parent-teacher involvement, I believe there will be an optimal opportunity for handicapped children to learn self-protection against sexual abuse and therefore to more adequately enjoy the right of a positive experience with their sexuality.

*The Developmental Disabilities Project provides counseling, medical and legal advocacy for disabled persons, as do many rape crisis centers throughout the country.



State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

May 9, 1984

Mr. Thomas F. Coleman, Esq.
P.O. Box 6363
Glendale, CA 91215

Dear Mr. Coleman:

I am pleased to advise you that the appointment of all the members to the Racial, Ethnic, Religious and Minority Violence Commission has been completed. I will be announcing creation of the Commission to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release and a list of the members for your information.

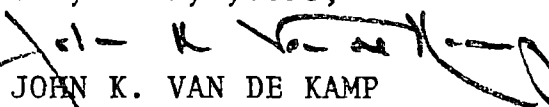
I have asked Msgr. William Barry to chair the Commission. We anticipate the first meeting to be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda. Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report.

Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,


JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs

THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
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May, 1984

Commissioners
Commission on Racial, Ethnic,
Religious and Minority Violence

Dear Fellow Commissioners:

As a member of the Commission, I would like to bring to your attention a bill which is awaiting a final vote in the state Senate before going on to the Governor for approval. The bill, AB 848, would add "age", "disability", and "sexual orientation" to the Ralph Civil Rights Act.

The California Commission on Personal Privacy, for which I was privileged to serve as executive director, recommended this amendment to the Ralph Act. I urge you and organizations you are affiliated with to actively support this bill. Of course, the "sexual orientation" part is the difficult part for many legislators to handle.

There is a significant amount of violence against lesbians and gay men because of their sexual orientation. As you know, deep rooted prejudice often contributes to overt violence or threats of violence. It must stop!

I have enclosed some information about the Bates bill. I have also enclosed information regarding violence against lesbians and gay men. I am in the process of gathering more documentation regarding this ugly manifestation of homophobia (hatred and fear of homosexuals). Sometime later this year I will submit a report and recommendations regarding anti-gay violence in California. In the meantime, I strongly urge you to let the members of the Senate know you and your organizations support AB 848.

Yours truly,



THOMAS F. COLEMAN

TASK FORCE REPORT

Vol. 11, No. 1

Newsletter of the National Gay Task Force — America's Largest Gay Civil Rights Organization

January/February 1984

Violence Project Documents 1,682 Anti-Gay/Lesbian Incidents

By Kevin Berrill and Judy Burns

During the first eight months of 1983, 1682 incidents of harassment, threats, and attacks against lesbians and gay men were reported to the NGTF Violence Project. Documented by the NGTF Crisisline and twelve local violence projects across the country, these incidents will be included in NGTF's first annual audit of anti-gay/lesbian violence, scheduled for publication in early 1984.

To place this figure in some kind of perspective, the Anti-Defamation League of B'nai B'rith reported a total of 1422 incidents of anti-semitic vandalism and harassment nationwide for the entire year 1982. By contrast the NGTF figures represent anti-gay/lesbian violence in only 12 cities over a period of 8 months.

"These figures only begin to indicate the hor-

rifying scope of anti-gay/lesbian violence," said Kevin Berrill, NGTF Violence Project Director. "They represent a small fraction of the total number of incidents that actually occurred during this period. The great majority of lesbian and gay victims do not report attacks against them, and far too many still suffer the aftermath in silence and isolation."

During the period covered by the audit, the gay community was hit by the first wave of violence attributed to "AIDS backlash." According to San Francisco's Community United Against Violence (CUAV), fear and hatred associated with AIDS was a motivating factor in nearly 20% of all incidents reported there this year. The Dorian Group in Seattle also reported that gangs of youths seeking to beat up "plague-carrying faggots" were responsible for

22 brutal attacks this summer.

Northampton, in central Massachusetts, has suffered an outbreak of violence against its sizable lesbian community. According to Northampton's Gay and Lesbian Activists (GALA), over the past year lesbians were singled out for sexual assaults and other physical attacks; lesbian-identified establishments were vandalized, and hundreds of phone threats and other verbal harassment against lesbians were reported.

Of the incidents reported to NGTF thus far, 57% (965) were verbal harassment/intimidation, 28% (478) were physical assaults (including sexual assaults and attacks with weapons), and 1% (15) were homicides. Incidents of arson or vandalism against the property of lesbian/gay people made up 4% (59) of the reports, and

10% were other types of crimes not yet classified. Seven percent (119) of all incidents reported involved police harassment or brutality.

Local violence projects which supplied data for the NGTF audit are: Community United Against Violence, San Francisco; DataCall, Denver; Tampa (FL) Gay Hotline; Gays, Lesbians & Friends, Terre Haute; Watchline, Boston; the Mississippi Gay Alliance, Jackson, the New York City Gay/Lesbian Anti-Violence Project; the Gay Community Center Hotline, Pittsburgh; the Houston Gay Switchboard; The Dorian Group, Seattle; The United Crisisline, Madison, Wisconsin.

NGTF urges all victims of anti-gay/lesbian violence or harassment to make a report to their local violence projects (see Sept.-Oct. *Task Force Report* for listing), or to the toll-free NGTF Crisisline if there is no local violence project. Anyone who sees articles about incidents of homophobic violence is also encouraged to clip and send them to NGTF, since NGTF's complete 1983 audit will include incidents of violence reported in the press, as well as those documented by the Crisisline and local projects.

NGTF Testifies at Two Federal Violence Hearings

By Kevin Berrill

The National Gay Task Force played a key role in testimony about anti-gay/lesbian violence at two recent federal hearings. The first, held in Brooklyn, New York on November 28, concerned police misconduct and featured testimony from Kevin Berrill, NGTF Violence Project Director, and James Credle, of the New York City Chapter of Black and White Men Together (BWMT). At a second hearing held on December 2 in New York City, testimony prepared with the assistance of NGTF was delivered to the U.S. Attorney General's Task Force on Family Violence by Dr. Barbara Fox, Executive Director of the Institute for the Protection of Lesbian and Gay Youth (IPLGY), and member of the Board of Directors of the NGTF Fund for Human Dignity.

Speaking before the House of Representatives Criminal Justice Subcommittee, chaired by Rep. John Conyers (D-MI), Berrill cited numerous cases of police harassment and violence against lesbians and gay men nationwide. He observed that 7 percent of reports documented by the NGTF Violence Project concern police as perpetrators of physical assault, entrapment, verbal abuse, vandalism, unequal

enforcement of the law, and failure to respond to or follow up on reports of anti-gay/lesbian violence.

Berrill also submitted preliminary data from a violence survey conducted cooperatively by NGTF and eight local gay and lesbian organizations. "Of the nearly 2,100 gay men and lesbians surveyed, 23 percent of males and 13 percent of females indicated they had been verbally harassed, threatened with violence or physically attacked by the police because of their sexual orientation," he said. The NGTF Violence Survey results will be released early in 1984, and will be highlighted in the next *Task Force Report*.

These statistics should not be evaluated solely in terms of the individuals they represent. "Any act of police hostility," observed Berrill, "even an epithet, can serve to create a climate of mistrust and hostility which makes many gay and lesbian people much less likely to report anti-gay crimes. This in turn makes our entire community more vulnerable to crime, because criminals know we won't report incidents."

CONTINUED ON PAGE 6

HEARINGS

CONTINUED FROM PAGE 1

James Credle of BWMT, an assistant dean at Rutgers University, gave a detailed account of the September 1982 raid on Blue's, a New York City bar patronized primarily by gay men of color. Several patrons were severely beaten in that raid and an estimated \$30,000 in physical damages to property were reported. Although nearly fifteen months have passed since the incident, not one of the officers involved in the raid has been identified, and all the investigations into the attack have failed to produce a conclusive report.

Berrill submitted five recommendations to the Criminal Justice Subcommittee to remedy the problems of police abuse of gay men and lesbians: 1) an end to discrimination on the basis of sexual orientation, 2) mandatory gay and lesbian awareness training for police officers, 3) regularized contacts between local police departments and the gay/lesbian communities they serve, 4) independent civilian review of police practices, and 5) passage of federal legislation that guarantees the civil rights of all gay and lesbian people.

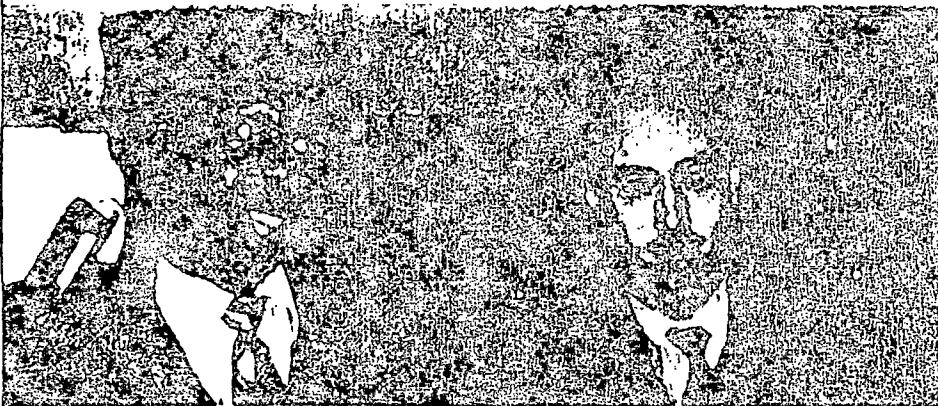
According to Congressman Conyers' office, the Criminal Justice Subcommittee will be conducting at least one more New York City hearing on police misconduct, and may hold hearings on other U.S. cities as well. NGTF will be monitoring those plans, and will work to ensure that the gay and lesbian community is represented in any and all future hearings.

Violence—not in the streets, but in the home—was the focus of hearings held by the U.S. Attorney General's Task Force on Family Violence; NGTF and IPLGY's concern at these hearings was to highlight violence against gay

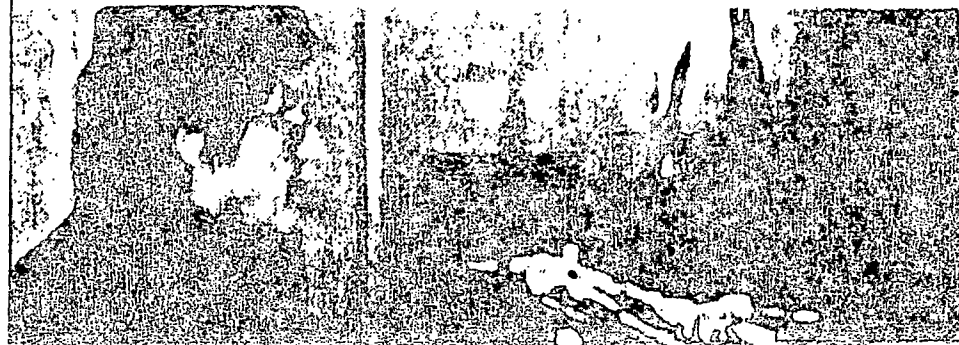
and lesbian youths in their own homes. As NGTF Crisisline Coordinator Aubrey Wertheim observes, "some of the most distraught calls to the Crisisline have come from youths who have been battered by their parents or other relatives—simply for being gay or lesbian. Services for battered gay and lesbian youths and adults are practically non-existent, and it is vital that the Attorney General's Task Force be made aware of the problem and how to respond to it."

Dr. Barbara Fox testified on behalf of IPLGY and NGTF regarding anti-gay/lesbian violence within families. Her statement included statistics from an IPLGY study which indicated that 8 percent of gay male youths and 11 percent of lesbian youths "had need for emergency housing because of family reactions to their sexual orientation... The need for emergency housing was usually connected to reports of abuse." She emphasized that research, education, case management, and placement/shelters are needed to respond to the needs of gay and lesbian youths and adults who are victimized by parents or siblings.

Gay/lesbian testimony at these two federal hearings is particularly significant because federal and social service agencies have largely ignored the problems and needs of gay/lesbian victims of violence. Like NGTF's involvement in NOVA (see article page 000), our community's increased visibility at federal hearings will educate those who make and fund social service policy about anti-gay/lesbian violence, and will encourage them to address our community's needs.



James Credle (left) of Black and White Men Together, New York, and NGTF Violence Project Coordinator, Kevin Berrill, at Federal hearing on police misconduct held in Brooklyn, NY, on November 28.



AMENDED IN ASSEMBLY MAY 25, 1983

AMENDED IN ASSEMBLY APRIL 12, 1983

CALIFORNIA LEGISLATURE—1983-84 REGULAR SESSION

ASSEMBLY BILL

No. 848

Introduced by Assemblymen Bates, Willie Brown, and
Roos

February 23, 1983

An act to amend Section 51.7 of the Civil Code, relating to
civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 848, as amended, Bates. Civil rights: sexual orientation.

Existing law provides that all persons within the jurisdiction
of this state have the right to be free from any violence, or
intimidation by threat of violence, committed against their
persons or property because of their race, color, religion,
ancestry, national origin, political affiliation, sex, or position in
a labor dispute.

This bill would provide, in addition, that all persons within
the jurisdiction of this state have the right to be free from any
violence, or intimidation by threat of violence, committed
against their persons or property because of their sexual
orientation, as defined, age, or disability.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 51.7 of the Civil Code is
amended to read:

51.7. (a) All persons within the jurisdiction of this
state have the right to be free from any violence, or

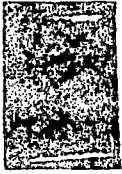
AB 848

— 2 —

1 intimidation by threat of violence, committed against
2 their persons or property because of their race, color,
3 religion, ancestry, national origin, political affiliation, sex,
4 sexual orientation, age, disability, or position in a labor
5 dispute.

6 (b) As used in this section, "sexual orientation" means
7 an orientation toward other adults, of either sex, as sexual
8 partners: heterosexuality, homosexuality, or bisexuality.

O



SENATE COMMITTEE ON JUDICIARY
Barry Keene, Chairman
1983-84 Regular Session

AB 848 (Bates)
As amended May 25
Civil Code
MRR

A
B

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8

RALPH CIVIL RIGHTS ACT

HISTORY

Source: Constituent

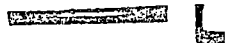
Prior Legislation: None

Support: California NOW; California Nurses Ass'n;
CSEA; National Gay Task Force; Jewish
Public Affairs Committee of
California; State Council on
Developmental Disabilities; Stone
Democratic Club; Committee on Human
Rights of the State Bar; Friends
Committee on Legislation

Opposition: No known

Assembly floor vote: Ayes 48 - Noes 25

(More)



KEY ISSUE

SHOULD GAY, AGED, AND DISABLED PEOPLE BE INCLUDED IN THE FREEDOM-FROM-VIOLENCE PROVISION OF THE RALPH CIVIL RIGHTS ACT?

PURPOSE

The Ralph Civil Rights Act declares the right of all Californians to be free from any violence or intimidation by threat of violence committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute.

This bill would expand this list to include sexual orientation, age, and disability.

The purpose of this bill is to extend the protections of the Ralph Civil Rights Act to gay, elderly, and disabled people.

COMMENT

1. Ralph Civil Rights Act

Under the Ralph Civil Rights Act, anyone who participates in the denial of the right to be free from violence is liable for each offense for the actual damages resulting plus \$10,000.

This bill would grant this remedy to anyone whose right to be free from violence was violated because of her sexual orientation, age, or disability.

(More)

2. Commission on Personal Privacy report on violence

The California Commission on Personal Privacy has found evidence of widespread violence, both random and organized, against gays and their community institutions. The Commission also reports that the elderly and the disabled are often targets of violent attacks because they are "believed to be easy prey." Therefore, the Commission recommends that sexual orientation, age, and disability be added to the protected classifications under the Ralph Civil Rights Act.

3. Definition of "sexual orientation"

AB 848 would define sexual orientation as heterosexuality, homosexuality, or bisexuality.

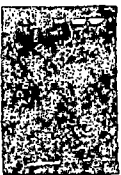
This definition is also found in AB 1 (Agnos), which passed this Committee on July 12, and is now in Senate Finance. AB 1 would make discrimination on the basis of sexual orientation an unlawful employment practice.

4. May already be covered

The Unruh Civil Rights Act provides that all persons within the state are protected against discrimination committed by business establishments on the basis of sex, race, color, religion, ancestry, or national origin. Anyone who violates this provision is liable for up to three times the actual damages caused by each offense but in no case less than \$250.

(More)





AB 848 (Bates)
Page 4

The Supreme Court has held that the specific types of discrimination set forth in the Act are meant to be "illustrative, rather than restrictive indications of the type of conduct condemned." [In re Cox (1970) 3 Cal.3d 205, 212.] In fact the Court has found that the Unruh Act protects the rights of gays to obtain service at bars and restaurants. [Stoumen v. Reilly (1951) 37 Cal.2d 713.]

It is quite possible that this interpretation would be applied to the Ralph Civil Rights Act. The source of AB 848, however, is concerned that no dispute arise that gay people, the elderly, and the disabled are protected from violence under the Act and that they are entitled to recover statutory damages for violation of their right to be free from violence.



THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
POST OFFICE BOX 6383 • GLENDALE, CA 91205 • (213) 956-0466

*PENDING
Action*

Proposed Resolution No. 1:

WHEREAS the civil penalties in the Ralph Civil Rights Act (Civil Code Sec. 51.7) provide an important remedy for members of various minority groups who are victimized by violence or threats of violence on account of their minority status; and

WHEREAS elderly persons, disabled persons, as well as lesbians and gay men are sometimes the victims of violence or threats of violence on account of their age, disability, or sexual orientation; and

WHEREAS existing criminal and civil remedies are not adequate to remedy violence against persons on account of their age, disability, or sexual orientation;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious, and Minority Violence Commission recommends that the Legislature expand Civil Code Sec. 51.7 to add "age," "disability," and "sexual orientation" by enacting Assembly Bill 848.

It is further recommended that the Attorney General contact each member of the state Senate to urge passage of AB 848 and contact the Governor to urge that he sign the bill when it is presented to him for his approval.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the Governor and each member of the Legislature.

Proposed Resolution No. 2:

WHEREAS the Racial, Ethnic, Religious, and Minority Violence Commission has learned that the United States Commission on Civil Rights is presently considering to conduct a study regarding violence against lesbians and gay men; and

WHEREAS evidence has been presented to the RERMV Commission that such violence is unacceptably widespread on a national basis; and

WHEREAS a national study on this subject would be helpful as one measure to combat violence against this minority group;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious and Minority Violence Commission urges the U.S. Civil Rights Commission to initiate a study on violence against individuals on account of their sexual orientation.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the U.S. Civil Rights Commission.

LOS ANGELES HERALD

EXAMINER

Francis L. Dale / Publisher

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Stanley W. Cloud / Executive editor
John P. Lindsay / Managing editor
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Larry Burrough / City editor
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Jerry Distefano / Director of finance
Michael C. Lemke / Classified advertising manager

— Thomas F. Coleman

The Herald Examiner obviously does not understand the purpose of the Ralph Civil Rights Act. The purpose of AB 848 is to impose a stiff penalty (over and above other criminal and civil liability) on persons who commit violence against others simply because of the victim's age, disability, or sexual orientation. In my opinion, this editorial is irresponsible.

Gay-bashing

Will another law end it?

We're sympathetic with the intent of a bill just passed by the Legislature giving Californians the right to sue for hefty damages if they're physically attacked because they're homosexual, elderly or handicapped. But we don't really see why the bill is necessary.

There's no denying that attacks on gays, the aged and the handicapped are a problem and a particularly odious form of violence. In the case of homosexuals, it's so common that there's a slang term for such attacks: "gay-bashing." Which is why the Legislature has sent Gov. Deukmejian a bill giving the victims of such attacks the right, under state civil-rights laws, to sue their attackers for damages plus a \$10,000 penalty.

But the fact is that they — and every other Californian — essentially have that right already: Battery is already a violation of the state civil code, except in self-defense, and

victims can sue attackers for general and punitive damages. The code doesn't specify a \$10,000 figure, but there's no reason victims can't receive that much — or more — if circumstances warrant. In addition, of course, attackers can be arrested and tried on criminal assault charges.

So why the redundant legislation? Basically, it's a special-interest bill, prompted in part by the piecemeal campaign to extend to gays the civil-rights protections now afforded other minority groups. We don't object to that *per se*, as long as the legal protection clearly is needed. In this case, we don't think it is. If the possibility of criminal and civil action doesn't deter gay-bashers now, what real good will more legal verbiage do?

We're also a little taken aback by the proliferation of groups claiming privileged — not equal, but privileged — status under the law for one reason or another. This bill is an example of that, albeit a relatively harmless one. In general, we see no reason to pass laws just for the sake of passing laws, and we won't be upset if Gov. Deukmejian vetoes this one. ■

THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
POST OFFICE BOX 6383 • GLENDALE, CA 91205 • (213) 956-0468

September 2, 1984

Mr. Frank Ricchiazzi
Vice-President
Log Cabin Republican Club
1170 Oneonta Drive
Los Angeles, CA 90065

Re: Meeting with Governor's Office on A.B. 848

Dear Frank:

Thank you for taking the time out of your busy schedule to travel to Sacramento to meet with the Governor's Office on Assembly Bill 848. The following points have been distilled from the enclosed memorandum entitled "Assembly Bill 848: Legal Analysis & Commentary" and should be carefully considered by the Governor before he decides what action to take on the bill:

1. The primary purpose of the Ralph Civil Rights Act is to punish those who subject others to violence or threats of violence simply because of the victim's race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute. By passing A.B. 848, the Legislature has determined that an act of violence committed against a person simply because of his or her age, disability, or sexual orientation should be similarly punished.

2. The punishment specified by the Ralph Civil Rights Act is a mandatory fine of \$10,000 regardless of the financial status of the aggressor. This punishment is over and above any other liability which may attach to such wrongdoing, including criminal prosecution, or the assessment of actual or punitive damages in a civil lawsuit.

3. The victim is assured that the aggressor will be punished for such vicious activity because the victim is authorized to collect the fine in a civil action, even though the police or prosecutor fail to successfully press criminal charges.

4. This law increases the likelihood of punishment because it is a mandatory minimum penalty imposed pursuant to civil rather than criminal proceedings. Because the fine is collectable pursuant to a civil suit, the victim only needs to establish the defendant's guilt by a preponderance of evidence (rather than beyond a reasonable doubt). Unlike a criminal prosecution where the jury must be unanimous in its determination

of guilt, punishment for violating the Ralph Civil Rights Act may be meted out based upon a jury verdict of 9-3.

5. The Ralph Civil Rights Act avoids the ambiguity and loopholes in the law governing the assessment of punitive damages. Once the jury determines that the defendant committed an act of violence simply because of the victim's membership in one of the enumerated classes, punishment must be imposed. Neither the judge nor the jury can let the defendant off the hook as they presently can with respect to punitive damages.

6. The likelihood of civil prosecution is increased when a minimum judgment of \$10,000 is guaranteed in a factually strong case. The guarantee of such an outcome encourages attorneys to represent victims on a contingent fee basis, rather than demanding an hourly fee for their services. Without the services of an attorney, most victims would not be able to prosecute the civil action.

"Gay bashing" occurs all too frequently in our society. Statistical and other empirical evidence supports the need for A.B. 848. It should be self-evident that elderly and disabled persons deserve to be included in the Ralph Civil Rights Act.

The Legislature has expressed its desire to punish "gay bashers" and those who would attack others simply because of their age or disability. The only remaining question is whether the Governor believes such aggressors should be so punished or whether he thinks they should escape additional penalties.

A veto of this bill would not only be an insensitive move for the Governor to make, it would be dangerous to the well being of elderly and disabled persons as well as the personal security of lesbians and gay men. After the Governor reviews the factual and legal data supporting A.B. 848, I trust that he will sign the measure into law.

Very truly yours,



THOMAS F. COLEMAN

✓ cc: All Members of the
Commission on Racial,
Ethnic, Religious and
Minority Violence

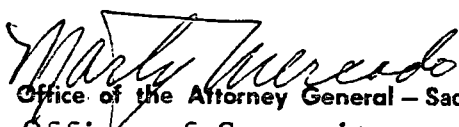
Memorandum

To : John Van de Kamp
Attorney General

Date : September 24, 1984

File No.:

Telephone: ATSS ()
()

From : 
Office of the Attorney General - Sacramento
Office of Community and Consumer
Affairs

Subject: Tom Coleman article - Bakersfield Californian

Late yesterday afternoon I received calls from: 1) Jim Huntington, Channel 29 TV in Bakersfield; and 2) Rosalie Fox, KUZZ & KKXX radio in Bakersfield, requesting Tom Coleman's phone number and verification that he was on the RERMV Commission. They indicated there was a story in the Bakersfield Californian - front page - that quoted Tom as saying that as a member of the RERMV Commission he was coming to Bakersfield to investigate apparent leniency in sentencing in two murder cases involving gays.

Huntington's question was what authority he has as a member of the RERMV Commission. I told him that one of their responsibilities as members of the Commission is to monitor incidents involving RERMV and to make recommendations to the AG re legislation, etc.

I spoke with Tom Coleman this morning and he said the reporters had called him. He said he was planning to go to Bakersfield on October 10 to investigate apparent leniency in two cases where gays were murdered, and the charge was manslaughter. He said he would report his findings to the Commission. I told him he should make it clear that he is not speaking for you nor for the Commission, but is acting as an individual member. He assured me this was the case.

I have not yet seen the article. We have requested a copy of the paper. I have advised Steve White and Sigrid.

cc: Nelson Kempsey
Roger Carrick



Office of the Attorney General

September 25, 1984

Dear Tom;

Enclosed are self-addressed stamped envelopes for your convenience. Please note that we cannot send you regular envelopes with postage because it is against the Attorney General's mailroom policy. ~~If you feel you will need more envelopes let me have a date that you will send them out and I will put the addresses on.~~

*for mailings to RERN
Commis members only.*

on - 4 to 2/27

*Sent to
Coleman
CA. 9/25/84*

Marty Mercado

Chief, Office of Community and Consumer Affairs

Extra
on NEWSPAPER
REPORT (5)

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,
RELIGIOUS AND MINORITY VIOLENCE

DISCUSSION DRAFT

STATEMENT OF PURPOSE

The Commission's mandate is to:

--Make a systematic study of crimes and violence motivated by prejudice against members of minority communities - Blacks, Hispanics, Asians, Native Americans, religious groups, lesbians, gay men, the elderly, and the disabled.

--Monitor the nature and extent of such crimes and violence and determine if there are any patterns or trends.

--Review the adequacy of existing law to protect the civil rights of all individuals in this state regardless of color, Age, disability, creed, or sexual orientation.

--Report its findings to the Attorney General and make any appropriate recommendations.

The goals of the Commission are to:

1) Obtain more accurate information to determine the nature and extent of RERMV; and

2) Develop guidelines for a standard definition of RERMV to allow for uniform identification and reporting of incidents of this nature.

3) STIMULATE IMPLEMENTATION OF MEASURES DESIGNED
TO ~~DECREASE~~ DECREASE THE AMOUNT OF RERMV
6-12-84 IN CALIFORNIA,

PROPOSED
AMENDMENT TO
EXPAND SCOPE OF
GOALS

SUBMITTED BY:

THOMAS F. COLEMAN, ESQ.
CENTER FOR PRIVACY RIGHTS
EDUCATION AND ADVOCACY
P. O. BOX 6383
GLENDALE, CA 91205

OFFICE MEMO

STD. 100 (REV. 11-75)

DATE

7/11/84

TO:

~~ROGER CARRICK~~

Marty Mercado

ROOM NUMBER

FROM:

BRIAN TAUTHER

FYI

PHONE NUMBER

SUBJECT:

AB 848

Since my last note regarding this bill,
Allen Sumner informs me "the votes aren't
there for AB 848. Lie low"

JUL 13 1984

Trans folder

ADMINISTRATIVE ROUTING MEMORANDUM		DATE <i>7-24-84</i>
FROM	TO	ACTION
1 ()	() VAN DE KAMP, John (Los Angeles)	() Appropriate action
2 ()	() KEMPSKY, Nelson (Sacramento)	() Approval or signature
3 ()	() MARTLAND, Richard (Sacramento)	() As discussed
4 ()	() ORDIN, Andrea (Los Angeles)	() As requested
5 ()	() WHITE, Steve (Sacramento)	() Comment and recommendation
6 ()	() CRAIG, Glen (Sacramento/DLE)	() Draft reply/draft memorandum
7 ()	() ZODROW, Ida (Sacramento/ASD)	(<input checked="" type="checkbox"/>) For your information
8 ()	() JOHNSON, Barbara (Los Angeles)	() Note and file
9 ()	() TAUGHER, Brian (Sacramento)	() Note and return
10 ()	() JACOBS, Richard (San Francisco)	() Please see me/phone me
11 ()	() STRUMWASSER, Michael (Los Angeles)	() Reply for my signature
12 ()	() BATHEN, Sigrid (Sacramento)	() Reply for your signature
13 ()	(X) CARRICK, Roger (Los Angeles)	() Reply for signature of _____
14 ()	() DUGAN, Jack (Sacramento)	() Summary memorandum
15 ()	() MILLIGAN, Ollie (Sacramento)	
16 ()	() MOTT, Esther (Los Angeles)	() IMMEDIATE ATTENTION PLEASE
17 (X)	() MERCADO, Marty (Sacramento)	
18 ()	() MATTHEWS, Matt (Los Angeles)	
19 ()	() _____	
REMARKS: <i>Marty - Tim call me</i>		SENDER'S PHONE #: _____



Office of the Attorney General

7/21/84

Brian Taugher
Roger Carrick

Brian - as I indicated to you on the phone, Tom Coleman is pressuring hard to get the AG to take an active role on AB 848. He says the bill will be coming up for a vote in the Senate during the first week in August.

He was not satisfied with our first response that we supported the bill and would testify in Committee if needed. Amy Hughes in Tom Bates office had called Jim Ching and wanted us to call each of the Senators to find out where they stand - and Tom is pushing for us to do this. He indicated he was going to call you or Roger.

Marty Mercado

Chief, Office of Community and Consumer Affairs

JUL 25 1984

ADMINISTRATIVE ROUTING MEMORANDUM		DATE
From	To	ACTION
1 ()	() VAN DE KAMP, John (Los Angeles)	() appropriate action
2 ()	() KEMPSKY, Nelson (Sacramento)	() approval or signature
3 ()	() MARTLAND, Richard (Sacramento)	() as discussed
4 ()	() ORDIN, Andrea (Los Angeles)	() as requested
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11 ()	() STRUMWASSER, Michael (Los Angeles)	() reply for my signature
12 ()	() BATHEN, Sigrid (Sacramento)	() reply for your signature
13 ()	() HAAS, Lucien (Los Angeles)	() reply for signature of _____
14 ()	() DUGAN, Jack (Sacramento)	() summary memorandum
15 ()	() MILLIGAN, Ollie (Sacramento)	
16 ()	() MOTT, Esther (Los Angeles)	() IMMEDIATE ATTENTION PLEASE
17 ()	()	
TO: <u>MARTY MEQUADO</u> FROM: <u>CARRICK, ROGER</u>		SENDER'S PHONE #: _____
REMARKS: _____		

OFFICE MEMO

STD. 100 (REV. 11-75)

DATE

7/5/84

TO:

ROGER CARRICK

ROOM NUMBER

FROM:

BRIAN TAUGHER

PHONE NUMBER

SUBJECT:

AB 848

We are already A; i.e., we testify, send letters and strongly support at appropriate hearings. We need to reserve judgment until the appropriate point in the legislative process about whether we "contact each member of the State Senate." You should use your own judgment about whether to AG "speaks in favor of the bill" in speeches.

cc: Allen Sumner

Jeff Fuller

CONFES.

THOMAS F. COLEMAN
ATTORNEY AND COUNSELLOR
POST OFFICE BOX 6383, GLENDALE, CA. 91205
(818) 956-0468

F
Form U
members
Comm

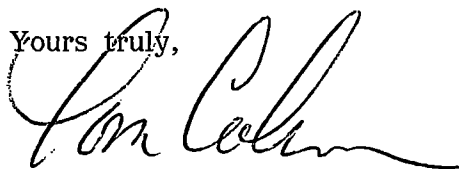
Marty Mercado
Attorney General's Office
Dept. of Consumer Affairs
1515 K Street
Suite 600
Sacramento, CA 95814

May 19, 1984

Dear Marty:

I have prepared some materials for the other members of the Commission on Minority Violence. I was going to send it directly to them, but my father's illness has made it necessary for me to travel to Michigan immediately. I will return to California on June 10th. I would appreciate it if you would send this material to the Commissioners for me. It would be nice if they could receive it before I return. Thanks.

Yours truly,



THOMAS F. COLEMAN

*Verbal -
communication
Expe staff
8/9/84*



Office of the Attorney General

8-6-84

John Van de Kamp

I spoke to Msgr. Barry today and he informed me that Tom Coleman wants to resign as chair of the subcommittee on education/public relations. Tom feels he does not have enough support on the Commission and wants to have two more persons appointed to the Commission - one representing the Lesbian community. One of the persons he is recommending is Morris Kite who was on the Brown Task Force.

Msgr. says Tom feels a tremendous responsibility to the Gay/Lesbian community and if he does not have the support he will resign as chair of the subcommittee - not the Commission.

Msgr. has asked him to present this recommendation to the Commission at the next meeting on September 10.

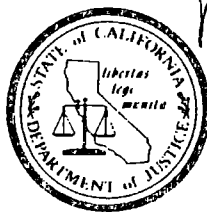
Tom asked that his concern and recommendation be brought to your attention.

*Desire Christensen
Community United Against Violence
Carter St
S.F.*

Marty Mercado

Chief, Office of Community and Consumer Affairs

Brian -
What do you think? *kg*



Office of the Attorney General

6-19-84

Brian Jaeger

Tom Coleman, RERMV
Commission Member, asked
that we bring to AG's attention
concern and interest in
having us (AG) come out
publicly in support of AB 848.
I told him we supported
the bill - but he wanted more
than that - He would like
AG to speak in favor of

Marty Mercado

Chief, Office of Community and Consumer Affairs

JUN 21 1984

this bill. No action was
taken by Commission on
his proposed resolution -
Copy attached.

W

c: Nelson Kumpky
Roger Carrick
Barbara Johnson

THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
POST OFFICE BOX 6383 • GLENDALE, CA 91205 • (213) 956-0468

Proposed Resolution No. 1:

WHEREAS the civil penalties in the Ralph Civil Rights Act (Civil Code Sec. 51.7) provide an important remedy for members of various minority groups who are victimized by violence or threats of violence on account of their minority status; and

WHEREAS elderly persons, disabled persons, as well as lesbians and gay men are sometimes the victims of violence or threats of violence on account of their age, disability, or sexual orientation; and

WHEREAS existing criminal and civil remedies are not adequate to remedy violence against persons on account of their age, disability, or sexual orientation;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious, and Minority Violence Commission recommends that the Legislature expand Civil Code Sec. 51.7 to add "age," "disability," and "sexual orientation" by enacting Assembly Bill 848.

It is further recommended that the Attorney General contact each member of the state Senate to urge passage of AB 848 and contact the Governor to urge that he sign the bill when it is presented to him for his approval.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the Governor and each member of the Legislature.

Proposed Resolution No. 2:

WHEREAS the Racial, Ethnic, Religious, and Minority Violence Commission has learned that the United States Commission on Civil Rights is presently considering to conduct a study regarding violence against lesbians and gay men; and

WHEREAS evidence has been presented to the RERMV Commission that such violence is unacceptably widespread on a national basis; and

WHEREAS a national study on this subject would be helpful as one measure to combat violence against this minority group;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious and Minority Violence Commission urges the U.S. Civil Rights Commission to initiate a study on violence against individuals on account of their sexual orientation.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the U.S. Civil Rights Commission.



COMMUNITY UNITED AGAINST VIOLENCE

514 CASTRO STREET • SAN FRANCISCO • (415) 864-3112

UNI-SAFE (864-7233)

December 13, 1985

Tom Coleman
P.O.Box 65756
Los Angeles, CA 90065

Dear Tom:

Enclosed is the news article I promised to send you about the mysterious death of Timothy Lee. Lee's body was found hanging in a vacant lot in Concord. As is evident from the article, it is not a clear cut suicide. Further complicating the fact that the "suicide" note left by Lee included misspellings of his and his family member's names, is that Concord Police will not investigate the matter. I understand that the Concord Coroner's office burned the strap from which Timothy Lee was found hanging.

I am hoping that you will bring this matter to the Attorney General's Commission on Minority Violence. Ultimately, I would like to see an outside investigation of Timothy Lee's death. Perhaps this is something the Attorney General could do.

Thanks for your help.

Sincerely,


Diana Christensen
Executive Director

DZC:bh

Enc.



By Gary Reyes/The Tribune

high tides, popped the
There are no pool
ney — except perhaps

10Ks g funds

means of financing the
e. The bonds would be
k by the federal govern-

il members complained
re never notified about
ible bond financing, and
ght the building, which
onsolidate most GSA of-
ice in the Bay Area,
t financed through a con-
al appropriation.
rman said while nothing
ding, the committee felt
ropriation may be prefer-
ause the federal govern-
se money on lease ar-
ts.

ew building, seen as a
downtown Oakland,
e on the block bounded
son, 12th, Clay and 14th
it is to be completed in

man said the full Senate
se must still vote on the
n design appropriation,
pects passage this year.

Mystery shrouds hanging death of Berkeley student

By Amanda Covarrubias
The Tribune

CONCORD — At 23, Timothy Lee had everything to live for.

The Berkeley resident was a promising fashion design student. He had recently landed a part-time job designing textiles in San Francisco. And he had just been awarded a scholarship to study in Milan, Italy, next year.

But Lee's body was found hanging from a fig tree last Saturday in an empty lot near the Concord BART station.

To the Concord Police Department, the case is closed. The investigation, said Detective Tony Costa, showed that young Lee killed himself.

But Lee's family and friends, who gathered for his funeral in Oakland yesterday, believe he was murdered. To prove it, they plan to have an independent autopsy conducted on the body, which was not buried yesterday.

They believe Lee, who was black and gay, was the victim of racism and homophobia in a city he seldom visited, 35 miles from home.

"He had himself down and together," said his sister, Tammy Lee, 22, of Berkeley. "It was too violent. He's not a violent person. He wouldn't have done it without telling me. We were like twins. He would have cried out and said something."

"Tim is not the type of person who would have committed suicide," said Judith Kindler, owner of Judith Kindler Textile Designs in San Francisco, where Lee worked part time while studying at the San Francisco Academy of Art.

"Tim was obviously gay. All he had to do was move and you knew he was gay. It looks like they're just singling out a gay, black guy who was in Concord."

But Diane Longshore, Concord's vice mayor, defended the city against such sentiment.

"Are there not murderers of black guys and suicides of black guys in other communities? I really seriously doubt it," she said.

Concord has 94,051 whites and 1,749 blacks, according to 1980 census figures from the state Department of Finance.

"It doesn't add up, it doesn't make sense," said Lee's father, Robert Lee, who flew from his home in Tennessee to attend the funeral yesterday.

Timothy Lee, who had recently received a scholarship to study fashion design in Italy,

See MYSTERY, Page B-2



Timothy Lee
Promising fashion student

Delta water safeguards are urged

By Carol Benfell
The Tribune

CONCORD — Environmentalists and county representatives told state and federal water officials yesterday that without specific legislation protecting Delta water standards they cannot support a highly touted agreement to operate the state's water systems under one management.

Their statements came in the wake of reported foot-dragging by the Reagan administration and the prospect of a vote on the legislation next week by the Republican-controlled Senate.

John DeVito, general manager of the Contra Costa County Water District, said the Coordinated Operating Agreement is meaningless without legislation carried by Rep. George Miller, D-Martinez.

The EIR and the agreement require the federal government to meet only present water standards, which are clearly inadequate to protect the quality of drinking water for Contra Costa County, DeVito said.

Lori Griggs, representing the water policy committee created by Contra Costa County Supervi-

See DELTA, Page B-3

Oakland TRIBUNE 11/18/85

THE TRIBUNE
OAKLAND
11/18/85
P. 1

MYSTERY

Continued from Page B-1

was found hanged from a tree last Saturday afternoon in a vacant lot on Mount Diablo Road, a block away from the final BART terminal on the Concord line.

He was wearing jeans and a blue tank top. His green knapsack was lying on the ground near the tree trunk, along with a suicide note scrawled on the back of an envelope.

According to his sister, Tammy, he left San Francisco on BART late Friday night. He apparently fell asleep on the train and was awakened by a BART worker who told him to disembark because BART was closing for the night.

That's when he apparently wandered over to the empty lot. According to the police report, a witness saw Lee walking around the area as late as 9 Saturday morning.

But after talking with a witness herself, Tammy Lee believes her brother was walking to the house of a friend, who lives a few miles from the BART station. She thinks he was accosted en route and killed in the lot where his murder was set up to look like a suicide.

Costa, who investigated the case, concluded Lee took his own life.

"There was no trauma to the body," Costa said. "If he were unconscious, he would have had some sort of trauma. But there was nothing around to suggest there was a struggle. If someone tried to hang you, wouldn't you put up a fight?"

**THE DEADLINE FOR 1985
IRA TAX DEDUCTIONS IS
FAST APPROACHING**

NOW IS THE TIME

Costa said Lee's wallet, which was lying on the ground a few feet away from the tree, contained credit cards and \$8 in cash.

"If he wanted to get home or to a friend's house, he could have taken a cab," the detective said.

But Tammy Lee and Maxine Johnson, a longtime friend of Lee's, said he attempted to call several other friends, who weren't home on Friday night, and left messages that he needed a ride.

Johnson said Lee talked to one friend's mother, who promised to call him back when she arranged a ride for him. Apparently, he never received that call.

The detective responded, "In suicides, there's always a lot of guilt among relatives and friends afterwards. No one came to pick him up."

"If the family could give me one bit of evidence that would lead us to believe otherwise, I would be more than happy to reopen the case."

Lee's family also point to the suicide note, which they claim is not in his handwriting and which contains misspellings of his sister's and brother's names — and the incorrect signature for him-

self.

The note reads: "To Tami and Tom, I love you and I'm sorry. Love Timmy."

Tammy Lee said Lee never referred to their brother, Thomas Lee, 24, as "Tom." Furthermore, she said, Lee always signed his name "Tim," never "Timmy."

Tammy Lee and his friends say the young artist was too much of a perfectionist to have left behind such a sloppy note.

The police department will have the note examined by a handwriting analyst, common procedure in suicide cases, Costa said yesterday.

The detective, who said he has dealt with many suicide and suicide attempts, said despondent individuals on the brink of taking their lives are not thinking clearly to begin with and will often produce illegible, incoherent suicide notes riddled with misspellings.

But Richard Seiden, a former professor of psychology at UC Berkeley, who has done research

on suicidal behavior, had this to say:

"I never heard that theory advanced before. Do people forget how to spell when they're despondent? No."

Seiden noted, however, that success can also be stressful. "You find a person with vacation tickets in his pockets who just shot himself. Who knows?"

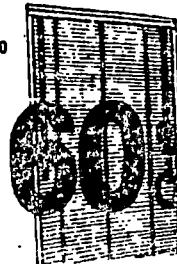
Although the Contra Costa County coroner's report states that small abrasions on Lee's arms are ant bites, Tammy Lee and other relatives who identified the body said the marks looked like cigarette burns or cuts resulting from a struggle.

At Lee's funeral yesterday in Oakland, friends and relatives were still reeling from the unexpected death.

"I worked side by side with him everyday," said Didi Puma, "and I know him pretty well. I saw him when he was depressed, and he was not depressed when I saw him Thursday. I am not convinced this guy committed suicide."

LEVOLOR

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NOV. 30



Learn to Dance FOR THE HOLIDAYS

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MATTRES
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DESKS
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4 Drawer.
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5 Drawer.

CHE

→ Marty Mercedo
Sacto



S-7

Office of the Attorney General

Marty -
I thought you might
to see this effort
by your man Colman.

Duane L. Peterson
Assistant to the Attorney General

F. Coleman

The Los Angeles Daily Journal

Page 1

Section II

Wednesday, May 7, 1986

Panel Formed to Study Gay Couples' Rights

By SARAH BOTTORFF

Domestic partnership status may be in the future for Los Angeles' gay community, giving gay partners the rights of married couples to health insurance and other benefits, Los Angeles Councilman Michael Woo said Tuesday.

Patterned after similar Berkeley and West Hollywood ordinances, the domestic partnership proposal was among a number Woo brought up as he announced he has formed a task force to study "family diversity" and how the city can recognize the needs of gay families, single parent families, and others that do not fit the established mode.

The councilman said it would be up to the task force, staffed by attorney Thomas F. Colman, to determine if a domestic partnership ordinance is feasible before he introduces it to the council. The task force is to meet over a one-year period starting next month.

Woo, author of the controversial Los Angeles sanctuary proposal and still shy of a year's membership on the council, said domestic partnership ordinances are just one of a number of innovations he wants the task force to study.

Ways to provide day care, ways to develop and find housing for families with grandparents or large families, and ways to make sure families are not discriminated against are among the task force's goals, he said.

Gay Issues Lead

But a number of the task force's 32 members are with gay rights organizations, and Woo himself concentrated on the gay and single-parent families in his press conference at City Hall Tuesday.

Woo said a recent study by the Southern California Association of Governments showed one-fourth of all households in Los Angeles are headed by unmarried couples or single parents.

Colman, whose potential \$25,000 fee for the

task force work will be paid by the non-profit Domestic Partners Equity Fund of Los Angeles, said the domestic partnership plan he leans toward would affect only Los Angeles City workers, giving their partners rights to health insurance and other city benefits.

He said he does not favor imposing similar requirements by city ordinance on private businesses. "If the city serves as a role model, the private employers may follow suit, rather than forcing this on them."

Colman added he would probably pattern his proposal on Berkeley's ordinance, which gives gay partners the rights of married couples to various benefits. The West Hollywood ordinance is somewhat weaker, and essentially gives gay couples rights to visit each other in hospitals and jails as family members, he said.

The task force is to be cost-free for the city, Woo emphasized. The 32 members are all volunteers, and Colman's work will be paid for by the equity fund group, he said.

THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY
POST OFFICE BOX 6383 • GLENDALE, CA 91205 • (213) 956-0468

Proposed Resolution No. 1:

WHEREAS the civil penalties in the Ralph Civil Rights Act (Civil Code Sec. 51.7) provide an important remedy for members of various minority groups who are victimized by violence or threats of violence on account of their minority status; and

WHEREAS elderly persons, disabled persons, as well as lesbians and gay men are sometimes the victims of violence or threats of violence on account of their age, disability, or sexual orientation; and

WHEREAS existing criminal and civil remedies are not adequate to remedy violence against persons on account of their age, disability, or sexual orientation;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious, and Minority Violence Commission recommends that the Legislature expand Civil Code Sec. 51.7 to add "age," "disability," and "sexual orientation" by enacting Assembly Bill 848.

It is further recommended that the Attorney General contact each member of the state Senate to urge passage of AB 848 and contact the Governor to urge that he sign the bill when it is presented to him for his approval.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the Governor and each member of the Legislature.

Proposed Resolution No. 2:

WHEREAS the Racial, Ethnic, Religious, and Minority Violence Commission has learned that the United States Commission on Civil Rights is presently considering to conduct a study regarding violence against lesbians and gay men; and

WHEREAS evidence has been presented to the RERMV Commission that such violence is unacceptably widespread on a national basis; and

WHEREAS a national study on this subject would be helpful as one measure to combat violence against this minority group;

NOW, THEREFORE BE IT RESOLVED that the Racial, Ethnic, Religious and Minority Violence Commission urges the U.S. Civil Rights Commission to initiate a study on violence against individuals on account of their sexual orientation.

It is further resolved that the coordinator of the RERMV Commission transmit a copy of this resolution to the U.S. Civil Rights Commission.

Mr. Vincent Harvier
Executive Director
Inter-Tribal Council of California, Inc.
1314 H Street, Suite 100
Sacramento, CA 95814

Dear Mr. Harvier:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

I anticipate that the Commission will meet three or four times a year for a two-year period to determine, through monitoring efforts, if there are any trends or patterns of crimes based on discrimination and to come up with recommendations of how to deal with them, e.g., identification of how and where these incidents should be reported by the public, etc. This is a logical next step to the recommendations of the 1982 Governor's Task Force on Civil Rights.

I would propose that the first meeting be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

Mr. Vincent Harvier
Page two

Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report. The Voluntary Service Agreement should be signed and one copy returned to Marty. The Oath of Office will be administered at the first meeting.

Thank you for your participation. I look forward to meeting you personally.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado

INDIAN ORGANIZATIONS

Ahmium Education, Inc.
Indian Controlled Study Center
P. O. Box 366
San Jacinto, CA 92383

American Indian Council of Mariposa County
P. O. Box 1617, Yosemite Lodge
Yosemite National Park, CA 95389

American Indian Education Center
P. O. Box 40
Pala, CA 92059-0040

Bureau of Indian Affairs
Central California Agency
1800 Tribute Road
Sacramento, CA 95815-0740

Benton Paiute Reservation
Star Route 4, Box 56-A
Benton, CA 93512

Central Valley Indian Health, Inc.
20 North DeWitt, Suite #8
Clovis, CA 93612

California Indian Manpower Consortium, Inc.
4441 Auburn Boulevard, Suite J
Sacramento, CA 95841

California Urban Indian Health Council
2422 Arden Way, Suite A-32
Sacramento, CA 95825

Ft. Bidwell Indian Community Council
P. O. Box 127
Ft. Bidwell, CA 96112

Native American Heritage Commission
915 Capitol Mall, Room #288
Sacramento, CA 95814

Robinson Rancheria
2000 Marconi, Suite A2
Sacramento, CA 95821

Sacramento Urban Indian Health Project, Inc.
801 Broadway, Suite B
Sacramento, CA 95818

Shasta Tribe, Inc.
P. O. Box 1054
Yreka, CA 96097

Southern Indian Health Council
P. O. Box 20889
El Cajon, CA 92021

Santa Rosa Rancheria
16835 Alkali Drive
Lemoore, CA 93245



Inter-Tribal Council Of California Inc.

1314 H STREET, SUITE 100, SACRAMENTO, CALIFORNIA 95814
(916) 447-2003

April 23, 1984

Ms. Marty Mercado
Attorney General's Office
1515 K Street
Sacramento, CA 95814

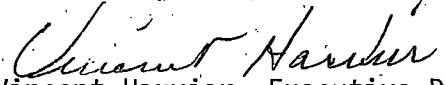
Dear Ms. Mercado:

I'm having my resume, that you requested, hand carried to your office.

I assume that the only problem that the AG's office might have is with my earlier involvement with the American Indian Movement. I must insist that the philosophy under which AIM was founded was great. What eventually transpired is another story. Wish I could explain my thoughts on this subject.

If you have any questions regarding this resume please don't hesitate to call me.

Respectfully yours,


Vincent Harvier, Executive Director
Inter-Tribal Council of California, Inc.

VH:pg

Enc.

**Mexican American
Legal Defense
and Educational Fund**

634 South Spring Street,
11th Floor
Los Angeles, CA 90014
(213) 629-2512



MALDEF

October 30, 1985

Ms. Marty Mercado
Coordinator
Attorney General's Office
1515 K Street
Sacramento, California 95814

Dear Marty:

I am pleased to become a member of the Attorney General's
Commission on Racial, Ethnic, Religious, and Minority Violence.
I replace Joaquin Avila, former president and general counsel
of MALDEF.

Sincerely,

Antonia Hernandez
President and General Counsel

National Office

28 Geary Street
San Francisco, CA 94108
(415) 981-5800

Regional Offices

343 South Dearborn Street
Suite 910
Chicago, IL 60604
(312) 427-9363

250 W. Fourteenth Avenue
Suite 308
Denver, CO 80204
(303) 893-1893

634 South Spring Street,
11th Floor
Los Angeles, CA 90014
(213) 629-2512

517 Petroleum Commerce Bldg
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1701 18th Street, N.W.
Washington, D.C. 20009
(202) 393-5111



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January 23, 1986

Victor B. Moheno, Esq.
Law offices of Victor B. Moheno
Suite 205 Mineral King Professional Bldg.
1640 West Mineral King
Visalia, CA 93291

Dear Mr. Moheno:

As a member of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence, I have received your letter regarding KKK headquarters in Visalia. I am forwarding this and the newspaper clippings to Mr. Morris Dees, Executive Director of the Montgomery, Alabama based Southern Poverty Law Center. This organization monitors KKK activities in the United States. I recently met with Mr. Dees and he is very interested in KKK activities, directed against Hispanics in the state of California. In the future please feel free to direct similar information to Mr. Dees. For your information,

Mr. Morris Dees
Executive Director
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104

Sincerely,

Antonia Hernandez
President and General Counsel

AH/rc

cc: Morris Dees
✓ Marty Mercado

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1701 18th Street, N.W.
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(202) 393-5111



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

PASTORAL AND PARISH SERVICES
Rev. Msgr. William J. Barry
(213) 251-2607

August 31, 1987

Dear Dolores:

Hi! Monsignor Barry asked that I write you of his last expenses that was spent by him when he attended the meeting in San Francisco on Friday, August 7th. The two items he's requesting a refund for

are: Taxi from SFO to meeting place \$25.00

 Parking at Ontario Airport \$ 8.00

He can't remember what he's done with the receipts so if you could smile your prettiest, I'm ure whomever will give consideration!

Take care...

Love,

A handwritten signature in cursive script, appearing to read "Midori".

Midori Kano
secretary

Encl.

Rev. Will L. Herzfeld
Pastor, Bethlehem Lutheran Church
959 12th Street
Oakland, CA 94607

Dear Rev. Herzfeld:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

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As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

Rev. Will L. Herzfeld
Page two

Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report. The Voluntary Service Agreement should be signed and one copy returned to Marty. The Oath of Office will be administered at the first meeting.

Thank you for your participation. I look forward to meeting you personally.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado

Mr. David Kassoy, Esq.
1801 Century Park East, Suite 740
Los Angeles, CA 90067

Dear Mr. Kassoy:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

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Mr. David Kassoy, Esq.
Page two

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Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado

Firm News

■ Partners Marvin H. Lewis and Reeve E. Chudd recently helped the Los Angeles County Natural History Museum acquire an unusual and valuable Russian alexandrite bracelet for its collection.

■ On Dec. 8, 1987, our Tax Department presented its Second Annual Tax Seminar at the Beverly Wilshire Hotel.

■ Allan Gabriel won approximately \$1 million in money damages and a permanent injunction for trademark infringement and unfair competition on behalf of his client in a landmark case involving foreign knockoffs of American goods.

■ Gregory M. MacGregor wrote an article entitled "'Hot' Investments That Can Burn You," which appeared in the *Group Practice Journal*. The article exposed investment schemes that are really "too good to be true."

■ Gerald M. Yaroslow gave a series of lectures on estate planning for a financial planning class and for the Los Angeles County Superior Court Judges and Municipal Court Judges Association.

■ Allan B. Cooper authored an article for the *California Builder* magazine about the problems of builders faced with opposition from local anti-development groups.

Need a Speaker?

Ervin, Cohen & Jessup attorneys speak to scores of Southern California business, professional and trade organizations each year on a wide range of subject matter including:

- Impact of Recent Changes in the Tax Laws.
- Financing Concepts for Entrepreneurs.
- Strategic Partnerships Between Large and Small Firms.
- Insurance Coverage for Labor and Employee Litigation.
- Leveraged Buyouts.
- 10 Basic Steps to Selling a Business.
- Foreign Investors in U.S. Real Property.

If you belong to an organization that is interested in scheduling one of our attorneys as a program speaker, please call Diana Gordon at (213) 273-6333.



Kassoy Joins Firm

David P. Kassoy and Anson I. (Bud) Dreisen, formerly partners in the Century City law firm of Dreisen, Kassoy and Freiberg, have merged their real estate practice into the Real Estate Department of Ervin, Cohen & Jessup. Their clients include developers and investors in shopping centers, office and industrial buildings, as well as major commercial tenants.

David was named a partner in the Real Estate Department on March 1, 1988, and Bud is of counsel.

David is a member of the Executive Committee of the Real Estate Section of the Los Angeles County Bar Association, a former chair of the Subsection on Commercial Real Property and co-chair of this year's Benjamin Crocker Institute.

He developed and teaches an advanced seminar on drafting and negotiating commercial leases for the Northwest Center for Professional Education. He also has lectured at the University of Southern California and UCLA. He is a graduate of Harvard Law School.

People on the Move

We are pleased to announce that the following have become associates with Ervin, Cohen & Jessup: Joseph P. Costa, Craig T. Cuden, Mindy S. Herman, Christopher K. Kitasaki, Linda M. Lazarus, Joel W. Meskin, Christine V. Perakis, Catherine Sabatini, Kelly O. Scott and Eileen M. Walsh.

How To Get The Most Out Of Your Lawyer

By E. A. (Stacey) Olliff

(First in a series.)

One of the best ways to help your attorney do a good job for you is to anticipate business disputes. Here are a few suggestions for avoiding or minimizing trouble, or at least bolstering your legal position if a problem does develop:

1. *Get it in writing.* Oral deals are very hard to prove, are subject to contradictory recollections and can rarely be resolved easily. One technique that you can employ when you have an oral agreement is to send a confirming letter to the other party outlining your understanding of the deal and asking him or her to sign and return a copy of your letter. Although this is not a substitute for a carefully drafted contract and therefore is not recommended in large or important transactions, it may give you an advantage in run-of-the-mill business deals if a problem develops later.

2. *Read before you sign.* In particular, look for unreasonable fine-print terms on the back of important contracts, purchase orders, invoices, etc. What you don't read *can* hurt you!

3. *Make sure the written contract reflects your deal.* If you are not sure about the terms of a proposed contract presented to you by the person you are doing business with, let your attorney give it a quick review *before* you sign. It is almost always more expensive to try to get out of a bad contract than it is to fix the contract before you sign.

ECJ Legal Update is published as a service to our clients and friends. Its articles are intended as digests of the law and should not be relied upon as substitutes for legal consultation. We welcome your questions and comments. Correspondence should be directed to Diana Gordon at Ervin, Cohen & Jessup, 9401 Wilshire Blvd., 9th Floor, Beverly Hills, Calif. 90212-2974. Copyright 1988 by Ervin, Cohen & Jessup. All rights reserved.

ERVIN, COHEN & JESSUP LEGAL UPDATE

A compendium of recent developments in the law

SPRING 1988

Firm Observes 35th Anniversary

The attorneys of Ervin, Cohen & Jessup and their spouses toasted the firm's 35th anniversary at a dinner dance on Jan. 30, 1988, at the Bistro in Beverly Hills. In honor of the event, members of the firm made a \$10,000 contribution to The Maple Center, a non-profit organization offering counseling services to individuals living or working in Beverly Hills.

The law firm was founded in 1953 by John W. Ervin, Leonard Cohen and W. Edgar Jessup, Jr. John was then a professor of taxation at the University of Southern California Law School and had become acquainted with Ed during law school days when the two worked together on an article for the *Southern California Law Review*. After Ed graduated from law school, he established his practice but continued to help John with some of his tax clients.

In 1952, John met Leonard, who held degrees in both accounting and law. The three formed the firm and set up their first offices at 6399 Wilshire Blvd., with John retaining his office at the law school.

ECJ initially specialized in business transactions, with a strategic focus upon the tax impact of such transactions, and in estate planning and probate. A few months after the firm was founded, the offices were moved to Beverly Hills at 139 S. Beverly Dr. During the years that followed, John recruited his brightest students for the firm, including Melvin Spears and Bertram Massing, now senior partners at ECJ. The firm began to expand into other areas of law, including litigation and securities.

In 1962 the firm moved to 9171 Wilshire Blvd., where it remained for 10

please turn to page 2



TECHNOLOGYLINK—Strategic partnering is the subject of discussion among seminar participants (left to right) Walter Karabian; Gary Freedman, ECJ partner; and Willie Brown, speaker of the California Assembly.

ECJ Co-Sponsors TechnologyLink Seminar on Strategic Partnering

By Steven A. Roseman

Ervin, Cohen & Jessup, in conjunction with Arthur Young, Brentwood Associates and Seidler Amdec Securities, co-sponsored the Southern California TechnologyLink Symposium Sept. 16-17, 1987, to foster strategic alliances between larger corporations and small companies.

A strategic alliance can include any formal relationship between a large company and a small one undertaken to further long-term goals. Such alliances can help companies enhance their resources without requiring either new influxes of capital from traditional sources or expansion into new areas of endeavor in which the company may lack expertise.

Strategic links between big corporations and small entrepreneurs can overcome the limitations inherent in either way of doing business. For the large corporation, a strategic alliance may provide enhanced marketing or distribution opportunities and improve access to certain technical work or technology. Small entrepreneurial companies may benefit by gaining fast access to major capital markets, accelerated growth and product or service extensions and more diverse channels of distribution.

There are eight basic guidelines to a successful strategic alliance.

1. The two partners in the alliance please turn to page 3

Uniform Trade Secrets Act Helps Employers Protect Customer Lists

By Allan Gabriel

Several years ago, California enacted a modified version of the Uniform Trade Secrets Act, a statute that is intended to make the laws throughout the United States consistent with respect to protection of trade secrets. Among the most valuable trade secrets of a business is the identity of its customers. A dispute over the protectibility of customer lists often comes into play in connection with the departure of employees who leave with the intent to work for a competitor.

Prior to California's enactment of the Trade Secrets Statute, California common law protected customer lists from misappropriation by employees under case law. The burden of a company in obtaining such protection, however, was onerous. This was true because California has a statute that voids, with some limited exceptions, any contract by which anyone, including an employee, is restrained from engaging in a lawful profession. For example, provisions in employment agreements providing that an employee shall not solicit customers for a certain period after termination of employment are void unless they are executed by an employee who is selling a significant ownership interest in the business.

Employer Proof Required

Thus, until recently, protection against the use of a customer list was obtainable only if the employer proved certain facts. Among these facts: The customer list was confidential and not readily accessible to competitors; the former employee solicited the customer with the intent to injure his or her former employer; the former employee targeted preferred customers who were particularly profitable and whose identities were not generally known to the trade; the business was such that a customer would only patronize one provider of goods or services; and the prior business relationship between the customer and the former employer would normally have continued unless interfered with.

These criteria proved to be very difficult to establish, and court-

ordered relief was not often granted. Furthermore, the law had been unclear as to whether a customer list was protectible if the employee participated in its preparation while working for his or her former employer.

The Uniform Trade Secrets Act as adopted in California, through its statutory definition of a trade secret, has eased the proof that must be shown by a company to protect its customer list. A trade secret is now defined as "any information, including a formula, pattern, compilation, program device, method, technique or process that (1) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

List Considered Trade Secret

An opinion by a California appellate court rendered after the enactment of this statute has held that a customer list was protectible as a trade secret under this new statute. The appellate court also concluded that the fact that a customer list was not contained in a document did not preclude protection of it since the statute contemplated that a compilation of data could be stored in one's memory as well as in some written form. Therefore an employee can be enjoined from soliciting or contacting the former employer's customers even if the employee possesses no document or customer list.

While the new statute eases the burden of obtaining protection for customer lists, it continues the principle that — unless a customer list qualifies as a trade secret — merely prohibiting in an employment agreement the disclosure of customer lists will not necessarily provide protectibility. Rather, the court will consider whether the customer list has actual or potential value, whether the employer has taken steps to maintain its secrecy, and whether the customer list consists of information generally known to the public or to other per-

Directors' Liability

By E. A. (Stacey) Olliff

Following the lead of Delaware, where most Fortune 500 companies are incorporated, California has enacted new legislation that can be used to eliminate or limit personal liability of corporate directors and also to authorize the corporation to indemnify corporate directors, subject to certain limitations.

These provisions were enacted in response to the current insurance crisis, which has made it difficult or impossible for many California corporations to obtain directors' and officers' (D&O) liability insurance at a reasonable cost.

To take advantage of the new law, however, a California corporation must amend its Articles of Incorporation. If you would like further information, please feel free to contact us.

sons who can obtain economic value from its disclosure or use.

Finally, while customer lists in and of themselves may or may not qualify as trade secrets, specific information with respect to customers — such as their preferences as to products or prices, their particular needs or requirements, and their personnel essential to obtaining business — may qualify, if it meets these criteria, as protectible trade secret information. It is anticipated that cases interpreting the meaning of the Uniform Trade Secrets Act will define more clearly the range of protection for customer lists. What is apparent immediately, however, is the fact that this statute provides a new and improved method for protection of customer lists when they rise to the status of trade secrets.

35th Anniversary *continued*

years, and in 1972 it relocated to its present address. In 1965 John stepped down from his professorship to devote his full time to the firm's practice, and in 1968 Leonard left the full-time practice to help form and manage what is now National Medical Enterprises, Inc. John Ervin passed away in 1982. He left behind a thriving firm of diverse practices and expertise that today includes over 50 lawyers.



Rice Named Partner

James A. Rice, senior partner in Rice & Segal, Los Angeles, joined Ervin, Cohen & Jessup as a partner Feb. 1, 1988. He specializes in corporate finance and health care law and served as vice president and associate general counsel of American Medical International Inc. from 1979 to 1983.

Jim previously was associated with the Wall Street law firm of Cravath, Swaine & Moore. He graduated maxima cum laude from the University of Notre Dame in 1969 and received his J.D. degree magna cum laude from the University of Michigan in 1972. He is a member of the State Bars of California and New York.

About The Authors

■ Reeve E. Chudd is a partner specializing in income tax, estate planning and probate law. His particular focus is on individual income tax, wills and trusts and non-profit organizations. He is also a Certified Public Accountant.

■ Allan Gabriel, a partner in our Litigation Department, specializes in copyright, trademark, trade secrets and insurance law matters.

■ E. A. (Stacey) Olliff is a partner in our Corporate Department. He specializes in corporate, securities, real estate, banking and commercial financing.

■ Steven A. Roseman is an associate specializing in taxation and real property law.

Tax Planning Is More Effective When Started Early in the Year

By Reeve E. Chudd

■ Income tax planning is always more effective if begun at the start of the year since the number of tax-saving alternatives may shrink as the year draws to a close. If you anticipate that your 1988 tax picture will include passive activity losses (PALs) in excess of income from passive activities (excess losses will be only 40% deductible in 1988), start looking now for passive investments that will yield gains (PIGs) before year-end.

■ Although Congress proposed legislation in late 1987 imposing severe restrictions on the availability of tax-free exchanges of like-kind property, none of these proposals were adopted in the final version of the 1987 tax act. If you are contemplating a sale of appreciated property, you might consider instead exchanging your property for new investment property; there is still opportunity to defer recognition of the taxable gain by means of a tax-free exchange.

■ Interest income from certain tax-free municipal or state securities that were issued after Aug. 7, 1986, although tax-free for regular tax purposes, may constitute interest

from "private activity bonds." If so, the interest would be taxable under the alternative minimum tax computation. If you are considering any investment in such securities, be sure to ask your broker for a copy of the opinion of the bond counsel as to the taxability of the interest.

■ Remember that payment of a person's medical expenses or educational costs does not constitute a taxable gift for federal gift tax purposes and, therefore, does not reduce the \$10,000 annual exclusion available to each donor. If you are a grandparent, paying a grandchild's medical expenses or school tuition is an excellent method of reducing your taxable estate (and removing some of the burden for these expenses from your children) without incurring a gift tax. Such payments can serve simultaneously as a gift tax exclusion and an estate tax and generation-skipping tax reduction technique. To qualify for exclusion treatment, such payments should be made directly to the medical provider or educational institution.

TechnologyLink *continued*

must complement one another by, among other things, having similar expertise and compatible management.

2. The goal of the alliance must be reasonable and must be backed by adequate corporate and financial planning on the part of both partners.

3. Both partners must have the same objectives for the alliance.

4. The responsibilities of each partner to the alliance must be delineated clearly by the partners.

5. The partners of the alliance must acknowledge and accommodate the unique structure of each partner's organization.

6. Both partners should have some background in the technological area that is to be the focus of the alliance.

7. Both partners must be decisive and committed to going forward with the goals of the alliance.

8. Both partners must be receptive

to innovation in order to further the goals of the alliance.

The technology showcased at the TechnologyLink Symposium covered a variety of fields, including electronic components and instrumentation, defense electronics, aerospace, pharmaceuticals, genetic engineering and telecommunications. Many of the most highly visible major corporations in the state and the nation participated.

Efforts such as TechnologyLink can help alleviate the anxieties that potential corporate partners may have regarding technological or other strategic alliances. Once such anxieties have been put to rest, a corporation may engage successfully in joint ventures, OEM agreements, licensing agreements or other forms of alliances that could have a profoundly beneficial impact on the corporation's business.

Ms. Janet Levy
219 Elmhurst Circle
Sacramento, CA 95825

Dear Ms. Levy:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

I anticipate that the Commission will meet three or four times a year for a two-year period to determine, through monitoring efforts, if there are any trends or patterns of crimes based on discrimination and to come up with recommendations of how to deal with them, e.g., identification of how and where these incidents should be reported by the public, etc. This is a logical next step to the recommendations of the 1982 Governor's Task Force on Civil Rights.

I would propose that the first meeting be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

Ms. Janet Levy
Page two

Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report. The Voluntary Service Agreement should be signed and one copy returned to Marty. The Oath of Office will be administered at the first meeting.

Thank you for your participation. I look forward to meeting you personally.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado



State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

May 9, 1984

Hon. Alice Lytle
Judge of the Municipal Court
Department G
County of Sacramento
720 Ninth Street
Sacramento, CA 95814

Dear Judge Lytle:

I am pleased to advise you that the appointment of all the members to the Racial, Ethnic, Religious and Minority Violence Commission has been completed. I will be announcing creation of the Commission to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release and a list of the members for your information.

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Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,


JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs

Alice Lytle

Alice Lytle, who has held many jobs and has overcome many hurdles, is Sacramento County's first black female judge.

Susie Gow/Neighbors

Family, education allow judge to be pacesetter

By Lynn Fleming
Staff writer

A strong, supportive family and her parents' emphasis on education brought Alice Lytle out of the ghetto to her position as the first black woman judge in Sacramento's history.

There were many stops along the way, including a nine-year medical research career, law school, several government positions and two marriages that ended in divorce.

Lytle, a 48-year-old Arden-area resident, grew up in Harlem. Her mother was a maid and laundress. Her father worked as a janitor and was organist and choir director at a Baptist church.

Lytle, her parents and nine sisters and brothers lived on welfare in a four-room basement flat. "We got off the welfare rolls when I was 12," she said.

Although the Lytles were poor, the family was very successful by other standards.

"To raise sons in Harlem who didn't have a criminal record was nothing short of a miracle. And my parents did that," Lytle said.

Most of the Lytle children went on to earn college degrees and distinguish

themselves. One sister and one brother are music professors and another sister is a mathematician.

"If I had to point to a group of people who had the most influence on my life, it would have to be my family. I strive, in part, because I want them to be proud of me. They keep me honest," she said.

There are no pictures of founding fathers or chief justices hanging on the walls of Lytle's office. Instead, they are covered with photographs of her family—a niece riding a horse, her brother, Cecil, a Fulbright scholar in England, standing with his daughter, Kelly, and Princess Margaret and a hodgepodge of other portraits.

Lytle said her parents instilled in their children the importance of education. "Education was their bible," she said.

And education was her ticket out of the ghetto. She graduated from Hunter College, part of the free university system then available in New York. She majored in public health and physiology.

In 1966, the New York doctor for whom she did cardiology research asked her to head up his research lab at the University of California, San Francisco, Medical Center.

In 1968, the assassination of Martin

Luther King Jr. set Lytle's life on a different path.

She and some friends decided they would do their part to further King's dream by dealing with racism where they worked. Toward that end, Lytle formed a black caucus that petitioned for admission of more minority students and representation for black staff at the medical school.

Her involvement in the civil rights movement piqued her interest in law.

Nine years of medical research came to an end at age 31. Lytle enrolled in Hastings College of Law where she became a leader of the black students union.

After law school, she worked for the National Association for the Advancement of Colored People's legal defense fund, the Alameda County Public Defender's office and the Office of Economic Opportunity's National Housing Project in Berkeley.

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In 1975, Lytle joined Governor Jerry Brown's administration as a staff attorney. It wasn't long before she was named chief deputy assistant to the legal affairs secretary.

In 1977, she was asked to head up the Division of Fair Employment and Housing.

Initially, Lytle told the governor that she wasn't interested in the job. The department was a joke with a 4,000-case backlog, she said. "It was moribund. Morale was poor. The staff felt like they couldn't do anything that made a difference."

Yet it turned out to be Lytle's favorite job.

"I've enjoyed most of the things I've done, but other than my career as a judge, I enjoyed being head of Fair Employment because I was able to do so much," she said.

Under her direction, the department became a force to be reckoned with.

Lytle recalled talking to an attorney who told her that before she took over, attorneys did not take the department seriously. They simply advised their clients to ignore complaints from the department.

But under Lytle's direction, discrimination complaints began to be processed and suits were filed. Attorneys started

See Judge, Page 11



"The fact that I'm a black woman is probably more relevant to being a judge than a medical technician because there are so few black women judges. The only way we can get even-handed justice is to have representatives from all races, religions and backgrounds on the court."

— Alice Lytle

Judge

Continued from Page 10

paying attention to the issues raised by the department.

"It was rewarding to hear that," she said. Lytle's career with the Brown administration was capped in 1979 by her appointment to the governor's cabinet as director of the State and Consumer Services Agency, which oversees a conglomeration of departments, including the Franchise Tax Board, Consumer Affairs and the teachers and public employees retirement systems.

In 1982, Lytle was appointed by Gov. Brown to serve on the unexpired term of a Municipal Court judge who had been elevated to Superior Court. In Jan. 1983 she took her position in the court.

Shortly after Lytle was appointed to her judgeship, she was described in a newspaper article as Sacramento's first black woman judge. "I was taken by surprise because I hadn't thought of it as a historic event. I remember thinking, 'I'll be glad when there's another,'" she said.

But nearly five years later, she still holds that distinction, one that she does not particularly relish.

"The fact that I'm a black woman is probably more relevant to being a judge than a medical technician because there are so few black women judges. The only way we can get even-handed justice is to have representatives from all races, religions and backgrounds on the court," she said.

Lytle doesn't deny that she's worked hard to get where she is today. But she won't take all the credit.

"I'm where I am because of the people before me who fought to open doors, like Fanny Lou Hamer, (a Mississippi civil rights activist), Rosa Parks and Martin Luther King Jr.," she said.

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Each municipal court judge is assigned a case calendar. Lytle presides over cases from the unlawful detainer calendar each morning, which typically involve a landlord trying to evict a tenant. She is also assigned civil and criminal cases from the court's

master calendar.

Lytle said her days usually begin about 7:30 a.m. She slips the judge's robe on her 5' 4" frame and takes the bench by 8:30.

One recent morning, Lytle heard two cases involving tenants who had not paid rent for several months.

She listened to the testimony, asked a few questions and swiftly ruled in favor of the landlords in both cases.

She is an eloquent speaker. On the bench, she is approachable but authoritative. And her sense of humor adds a touch of levity to otherwise dry courtroom proceedings.

She frequently has her bailiff, John Schardt, dispense with the "All rise for the honorable Judge Lytle" in favor of "Please remain seated."

"I try to keep it as informal as possible, yet consistent with the dignity of the courtroom. I've found that overdoing ceremony and ritual tends to make people more nervous. I try to strike a balance," she said.

Lytle said she likes "the people part of the job. It puts you in touch with the average citizen and it gives you an opportunity to help them with their problems."

"Every job has its difficulties. This is a high stress job, but the gratifications far outweigh the difficulties," she said.

Lytle said she does her best to leave her work in the courtroom, but she's not always successful. "I've awakened in the middle of the night thinking, 'That was a bad ruling. I better go back and reverse it.'"

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When asked what she thinks her reputation as a judge is, Lytle said, "It depends on who you ask. Really, I would like to think that I'm seen as fair and hard working."

And that's precisely the way her friends and colleagues describe her.

Assembly Speaker Willie Brown, D-San Francisco, is a longtime friend. "Judge Alice Lytle is one of the most dynamic black jurists in the country. She exemplifies what a black jurist should be," Brown said.

"She is eminently qualified. She has worked her way through the ranks of government and she has dedicated herself to public service," he said.

"Based upon her dedication, her abilities

and her fight for equal rights for all, Judge

Lytle's potential is unlimited," he said.

Victor Geminiani, director of Legal Services of Northern California, which represents poor people throughout the region, said Lytle has a strong reputation among agency lawyers who frequently go before her.

"She is fair, objective, approachable, thoughtful in deliberation and fair to both tenant and landlord," Geminiani said.

Diane Wasznicky, partner in the law firm of Desmond, Miller, Desmond and Bartholomew and member of the Women Lawyers of Sacramento, said Lytle has an outstanding reputation in the legal community.

"She is an excellent judge in her approach to people and the law. On top of that, she has a reputation as being a caring, forthright person. And she has a great sense of humor," said Wasznicky, who appeared before Lytle several times before specializing in family law and moving to Superior Court.

"Alice is just an exceptionally nice person who has made it, and she's made it look easier than it really was," she said.

Wasznicky commended Lytle for establishing La Casita, a child care center in the courthouse for child witnesses and children waiting for parents in court.

"It's one of those things that you say, 'Why didn't someone think of this earlier?' But it takes someone like Alice to do something about it."

Lytle said shortly after her appointment to the bench she began noticing "a lot of children racing back and forth down the hall and disturbing proceedings."

Lytle said she also felt sorry for child victims who had to wait in hallways — sometimes with their assailants — before testifying.

She started keeping books, toys and games in the office of her clerk, Billie Hayward, which soon became an ad hoc child care center.

With encouragement from Judge Rudolph Loncke, Lytle secured a room on the second floor of the courthouse to be used as a child care center.

The center opened in December 1986. The second-floor room is bright and cheery and filled with children's furniture and toys.

A volunteer staff cares for the children.

"It's been working very smoothly. The citizens who use it are ecstatic over it," Lytle said.

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Last year, when Lytle's seat on the bench was challenged by attorney Ted Blanchard, she found herself in a race to retain her judgeship.

Although she was hammered persistently as being a supporter of Supreme Court Justice Rose Bird, Lytle won handily, with more than 56 percent of the vote.

Lytle said her friendship with Bird was irrelevant to her election. "That's like saying, 'Don't vote for Judge Lytle because she wears green.' I just don't see how it pertained to the election of a Municipal Court judge," she said.

The election experience, she said, was both horrible and wonderful.

"Public elections are extremely stressful, both physically and emotionally. But things happened that I never would have anticipated," she said.

"People I'd never laid eyes on stood up to support me. That does wonders for your self-esteem," she said.

While she's not looking forward to the 1992 election, she'll certainly do her best to retain her seat if challenged, Lytle said.

"It's tough. A great many people don't understand the constraints that judges must work within. We're bound by the constraints of the Canon of Judicial Ethics. We can't take public stands on issues like abortion and capital punishment. All we can say is, 'I'll do my best to uphold the law,' and that sounds incredibly wishy-washy."

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Lytle, who has no children, lives in a townhome with her two cats, Portia and Ginger.

She enjoys collecting and reading books, particularly biographies and children's books.

Lytle is involved in a variety of civic and legal organizations and sits on several advisory boards.

As for the future, Lytle says, "I'm happy here. I'd like to retire from the Municipal Court bench a little old lady."

Neighbors Thursday, June 10, 1987 Page 7



State of California
Office of the Attorney General
John K. Van de Kamp
Attorney General

May 9, 1984

Mr. John W. Mack
President
Los Angeles Urban League
3450 Mt. Vernon Drive
Los Angeles, CA 90008

Dear ~~Mr. Mack~~:

I am pleased to advise you that the appointment of all the members to the Racial, Ethnic, Religious and Minority Violence Commission has been completed. I will be announcing creation of the Commission to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release and a list of the members for your information.

I have asked Msgr. William Barry to chair the Commission. We anticipate the first meeting to be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda. Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report.

Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,


JOHN K. VAN DE KAMP
Attorney General

nm
Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs

NEWS From Los Angeles Urban League

3450 Mt. Vernon Drive, Los Angeles, California 90008
Telephone: (213) 299-9660

FOR IMMEDIATE RELEASE
January 28, 1985

CONTACT: Rene Etienne
Vice President
Fund Development
299-9660

URBAN LEAGUE URGES NO NEW PRIVATE INVESTMENT IN SOUTH AFRICA

Mr. John W. Mack, President of the Los Angeles Urban League today urged that American firms doing business in South Africa restrain from new investments in that country.

"If we believe in the protection and enhancement of human dignity at home and abroad, if we believe in the value and strength of representative government, then we must use every peaceful tool, at our disposal, to eliminate the vicious system of apartheid in South Africa."

"Our nation's present foreign policy of speaking softly and doing nothing fundamentally constructive is naive, misguided, and, most critically, ineffective," continued Mack. "The League clearly sees the need for the implementation of more aggressive steps to forever eliminate the evil of apartheid. Economic leverage, in addition to political pressure by our government, and continued protest by the national movement represents one of our most valuable tools. We cannot be afraid of utilizing it to promote the cause of human rights and justice for the over 23 million Black South Africans."

Mr. Mack continued by stating that "the Los Angeles Urban League is encouraged that some corporations appear to be reevaluating both the strength of our country's foreign policy and their individual South African investments." "Many more members of the corporate community", he stated, "now recognize that their financial interests

Urban League Urges No New Private Investment In South Africa
January 28, 1985

Page -2-

African society. The League applauds this initiative, as well as the increasing democratic and republican congressional concern with this crucial issue." "If President Reagan responds to anything," stated Mack, "he will likely respond to urgent messages from his republican colleagues and the private sector. This is what we are trying to stimulate."

For businesses continuing in their South African enterprises, the Los Angeles Urban League Board urged that all actively implement each aspect of the Sullivan Principles which call for equality of opportunity for Black South Africans employed by American firms. "It just makes common sense and is morally sound for American firms to be non-discriminatory in their activities in South Africa."

In addition to adherence to the Sullivan Principles, a resolution adopted by the League Board of Directors urges that no new investments be made in South Africa until steps permanently eradicating apartheid have been taken by the Pretoria government. According to Dr. Madison Richardson, Los Angeles Urban League Board Chairman, "we can no longer help nourish the economic foundation of South Africa without asking that its government make fundamental concessions in the area of human rights." "The League wants to see investment continue", he stated, "but we need to make a fair return on such investment--a return that is in everyone's best interest. That fair return should be nothing less than total freedom and economic parity for 23 million Black South Africans."

The League's Board resolution and Mr. Mack also stated that if steps are not taken to eradicate apartheid by the South African government, then firms currently investing in that country should terminate such investments.

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RESOLUTIONS OF THE BOARD OF DIRECTORS

OF THE

LOS ANGELES URBAN LEAGUE

WHEREAS, the Los Angeles Urban League is an organization committed to the promotion of civil and human rights and social justice and equal opportunity;

WHEREAS, the system of apartheid in South Africa is abhorrent to even the most rudimentary ideals of civil and human rights and social justice and equal opportunity;

WHEREAS, the government of South Africa has continued to demonstrate intransigent opposition to ending the system of apartheid; and

WHEREAS, violence could dangerously escalate if progress is not soon made toward ending the system of apartheid in South Africa;

NOW, THEREFORE, BE IT RESOLVED THAT the Los Angeles Urban League condemn, and it hereby does condemn, the system of apartheid in South Africa and the government of South Africa for its perpetuation of the system of apartheid, and the Los Angeles Urban League calls upon the government of South Africa to take immediate steps toward the implementation of a democratic form of government and a system which promotes civil and human rights and social justice and equal opportunity for the blacks who constitute the vast majority of South Africa's population;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, our local, county, state and federal governments to bring to bear whatever political, economic, diplomatic and other pressure available to them that is calculated to prompt the government of South Africa to end the system of apartheid;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, our federal government to elicit governments around the world to bring to bear whatever political, economic, diplomatic and other pressure available to them that is calculated to prompt the government of South Africa to end the system of apartheid;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation which have not yet done so to adopt and vigorously implement the Sullivan Principles relating to conducting business in South Africa;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation not to make any new investments in South Africa until such time as the government of South Africa can reasonably demonstrate that progress has been made toward the elimination of the system of apartheid and that measures will continue to be taken until the system of apartheid is entirely eliminated; and

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation to terminate existing investments in South Africa if progress toward the elimination of the system of apartheid has not been made.



*Letter to
E. Mor,*

State of California
Office of the Attorney General
John K. Van de Kamp
Attorney General

May 9, 1984

Ms. Leticia Quezada
c/o The Carnation Company
5045 Wilshire Blvd.
Los Angeles, CA 90036

Dear Mr. Quezada:

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I would propose that the first meeting be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

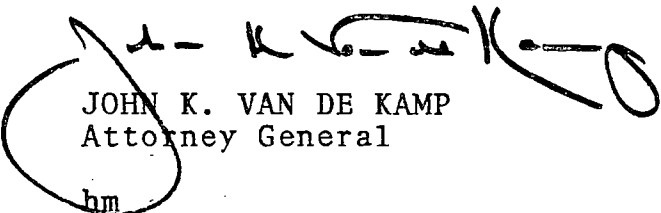
Ms. Leticia Quezada
Page two

May 9, 1984

Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report. The Voluntary Service Agreement should be signed and one copy returned to Marty. The Oath of Office will be administered at the first meeting.

Thank you for your participation. I look forward to meeting you personally.

Very truly yours,



JOHN K. VAN DE KAMP
Attorney General

hm

Encls.

cc: Marty Mercado

Carnation

World Headquarters

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

October 2, 1984

Msgr. William Barry
Inter-Religious Council
of Southern California
1400 West 9th Street
Los Angeles, CA 90015

Dear Msgr. Barry:

I want to advise you that due to a special work assignment, I will be away from my office and unable to attend meetings pertaining to the Council. This assignment is scheduled to last from October 8 to December 31, 1984.

I am sorry I will be unavailable during this period and hope this will not present any problems. I expect to resume my activities with the Commission after the first of next year.

If you have any questions regarding this, please don't hesitate to call me at (213) 932-6263.

Best regards,



Leticia Quezada
Assistant Manager of Urban Relations

LQ:evv

cc: Marty Mercado

Carnation

Corporate Offices

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

August 5, 1985

Honorable John Van de Kamp
Attorney General
California Department of Justice
1515 K Street, Suite 511
Sacramento, CA 95814

Dear Attorney General Van de Kamp:

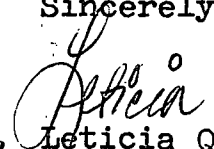
It is with great regret that I must submit my resignation from the Commission on Racial, Ethnic, Religious and Minority Violence.

As you know, I was recently appointed to the L.A. Community College Board of Trustees. With the major challenges facing the Colleges today, I think this position will require much of my time and attention. This is the reason why I am submitting my resignation.

Thank you for the opportunity to participate in the Commission's work. Thank you for providing me with the forum to meet such outstanding Commissioners, all of whom are truly dedicated to preserving civil rights.

I look forward to a continued working relationship with you.

Sincerely,


Leticia Quezada
Assistant Manager of Community Relations

LQ:evv

cc: Msgr. William Barry
Ms. Marty Mercado ✓

5-9-84

Hon. Armando O. Rodriguez
Judge of the Municipal Court
County of Fresno
1100 Van Ness Ave., Room 200
Fresno, CA 93721

Dear Judge Rodriguez:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

I anticipate that the Commission will meet three or four times a year for a two-year period to determine, through monitoring efforts, if there are any trends or patterns of crimes based on discrimination and to come up with recommendations of how to deal with them, e.g., identification of how and where those incidents should be reported by the public, etc. This is a logical next step to the recommendations of the 1982 Governor's Task Force on Civil Rights.

I would propose that the first meeting be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda.

Hon. Armando O. Rodriguez
Page two

Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report. The Voluntary Service Agreement should be signed and one copy returned to Marty. The Oath of Office will be administered at the first meeting.

Thank you for your participation. I look forward to meeting you personally.

Very truly yours,

15/
JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado

5-9-84

Dr. Hazel Russell
2094 Carlton Place
Riverside, CA 92507

Dear Dr. Russell:

It was a pleasure speaking with you on the phone. I am delighted that you have agreed to serve on the Racial, Ethnic, Religious and Minority Violence Commission. Attached is a list of the members who have been appointed to serve. I have asked Msgr. William Barry to chair the Commission. Announcement of the Commission will be made to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release for your information.

I anticipate that the Commission will meet three or four times a year for a two-year period to determine, through monitoring efforts, if there are any trends or patterns of crimes based on discrimination and to come up with recommendations of how to deal with them, e.g., identification of how and where these incidents should be reported by the public, etc. This is a logical next step to the recommendations of the 1982 Governor's Task Force on Civil Rights.

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Dr. Hazel Russell
Page two

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Thank you for your participation. I look forward to meeting you personally.

Very truly yours,

/s/
JOHN K. VAN DE KAMP
Attorney General

hm
Encls.

cc: Marty Mercado

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

April 26, 1984

Mr. John Jiro Saito
Japanese American Citizens League
Pacific Southwest Regional Office
244 So. San Pedro St., Rm. 507
Los Angeles, California 90012

Dear Mr. Saito:

Thank you for sending me your resume. I am pleased to forward it to Attorney General Van de Kamp for his consideration for appointment to the Commission on Racial, Ethnic and Religious Violence. The Commission will be composed of a statewide cross-representation of about 15 persons representing major organizations who have relevant information and experience in dealing with these issues.

I anticipate the appointments should be forthcoming shortly. Thank you for your interest in applying.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Marty Mercado
MARTY MERCADO
Chief, Office of Community
and Consumer Affairs

MM:ac



Marian
??

Office of the Attorney General

9-22-87

John -

I took the liberty of
opening the attached since
it was addressed to you
as a member of RORNV
Commission - *

I have made a copy for
our files -

For your info AB 63 -
the Hate Crimes bill is
on the governor's desk for
signature -

* If you want to stop my →

Marty Mercado
Chief, Office of Community and Consumer Affairs

(916) 324-7859

Commissioner John Saito
Commission on Racial, Ethnic, Religious
and Minority Violence
Sacramento, CA.

I felt compelled to write the commission following the recent death of a Rocky Boy, Montana Indian Firefighter. There have been several killings in Humboldt County which conceivably were racially-motivated. The presence of racism in Humboldt County has its roots in history and, today, there exists racial prejudice toward certain ethnic groups, most notably, Native Americans.

There have been several deaths in Humboldt Co. since I relocated to the Northcoast to work for the Native American community. In 1983, a 16 yr. old youth was shot by a man at Orleans (Starns case... victim, D. McCovey). The family of the youth feels that the entire case was racist, including the administration of justice.

On March 1, 1985, a client of mine, Michael Obie was stabbed in front of a bar by an avowed racist (CA. vs. Roderick) and justice prevailed (via conviction). Mr. Obie was a Yurok Indian and was a parolee who planned to enroll into the university (Humboldt State or UC Berkeley) and was being assisted by my office.

Two Indian girls were placed into a foster home (Goodman case) of a known sex offender in McKinleyville, CA and one of the girls was found in the woods nude on a mattress. (circa 1985) The stepbrother was convicted (non-Indian).

These are 3 known cases; I have not monitored every killing. I encountered Indian People who had relationships with the victims. As an Employment Counselor for the Indian Community I am aware of the conditions which prevail in the area and the attitudes. In 1986, I was called to the jury of Curtis Price, avowed Aryan Brotherhood. I requested to be left off the jury due to the presence of white-hate groups in the local area. I am Japanese-American. The Ukiah Brinks robbery, south of Humb. Co., was an act by a racist hate group and a CA. Highway Patrol officer was also killed by a hate-group member at Garberville, not too long ago. I feel that there are white supremacists in the community; there are many racists. My feeling is that they roam free in this remote area.

and these hate groups are survivalists, local citizens, drug dealers (heroin, meth labs, marijuana growers, etc.) et al, dealers

and these groups don't like any ethnic minority, be they Black, Mexican, Laotian, Chinese, American Indian, Jewish, in essence, non-Anglo-American.

Through the local NAACP organization, I was made aware of a Black person at Louisiana-Pacific who was enraged by the constant racial harassment at the mill and the constant reference "that Nigger." (racism in the workplace) July 1987.

The man is seeking to address the situation, but the local mills are a political institution with clout. I am unaware of the present situation.

As a person who has worked within the minority community for a decade (and more) I have felt that racism is definitely on the increase, from a personal perspective. As an Asian-American, I have felt the presence of racism in the air and often am appalled by the stereotypical mentality of the general public, including the so-called educated.

The stench of racism is a threat to America and an affront to what this nation stands for.

I strongly urge the Commission to take a hard look at California's current state of affairs in race-relations and continue the task of investigating racial violence in society. This menace is ugly and I hope will be eliminated, as the nation becomes weaker when racism tears at its fabric. Racism equals terrorism.

Thomas Okazaki
no publicity please

Teens tied to killing

**Out-of town boys
may be suspects in
firefighter's death**

By Rhonda Pialorsi
Times-Standard staff writer

EUREKA — The Montana firefighter who was found shot to death last week near Fortuna may have been killed by a pair of California teenagers suspected of at least three homicides, authorities said.

The two teenage boys were arrested Friday in Oregon and are being held on theft and burglary charges.

According to a press release from the Yolo County Sheriff's Department in Woodland, Calif., two boys from Knights Landing, a small town about 40 miles northwest of Sacramento, are suspected in the murders of at least three persons.

The press release said the boys, age 16 and 17, are suspects in the deaths of a man and woman found shot to death Monday in Knights Landing, and may be linked to a Sept. 6 homicide in Humboldt County.

The body of Grant Boe, a 23-year-old Montanan who had been fighting fire near Ruth Lake, was found Sept. 6 near the Van Duzen Bridge south of Fortuna. Boe left the fire camp by unknown means Sept. 5 or 6 and was reported missing when he did not return for his firefighting shift.

An Oregon State Police spokesman said Tuesday that the young suspects were arrested Friday night in Canyonville after Yolo County authorities notified Oregon police that the two "might be heading north."

"We picked them up and found guns in the vehicle," the Oregon trooper said, "and the guns turned out to be stolen from Yolo County."

"We're holding them for burglary and grand theft," he said. "Yolo County authorities are looking into the homicides."

He said Oregon police have had "some" contact with Humboldt County authorities.

Sheriff Dave Renner said Tuesday that the juveniles may be involved in the Boe murder, but that at this point "it's too early to say."

"There's certainly an indication that these people may be responsible (for Boe's death)," Renner said, "but our investigators have not spoken with them."

"There's some likelihood that they may be involved," he said, "but it's too early to say."

The teenagers are being held in a juvenile detention facility in Eugene.

by Marie Gravelle
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**Musician's
performance**

Times Standard
9-16-87



State of California
Office of the Attorney General

April 27, 1984

John K. Van de Kamp
Attorney General

Ms. Diane Yu
Board of Directors
Asian American Bar Association
of the Bay Area
1341 Thousand Oaks
Albany, California 94706

Dear Ms. Yu:

Thank you for agreeing to serve on the Racial, Ethnic and Religious Violence Commission which I am in the process of creating.

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.

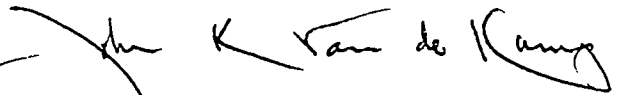
I am inviting persons who have had experience in dealing with these kinds of issues, and who represent major organizations, to serve on this Commission. I anticipate that the Commission would meet three or four times a year for a two-year period, to determine, through monitoring efforts, if there are any trends or patterns to these crimes, and to come up with recommendations of how to deal with them, e.g., identification of how and where these incidents should be reported by the public, etc.

We expect the Commission would want to rotate meetings, i.e., meet in major locations such as Los Angeles, San Francisco, Sacramento, and San Diego. Your travel and per diem expenses would be paid for by the State. It will be necessary for you to sign the enclosed voluntary service agreement form, and to take an oath of office which will be administered at the first meeting.

As soon as I have completed the selection of members, we will be in touch with you to set the date and time of the first meeting.

Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,


JOHN K. VAN DE KAMP
Attorney General

Enc.



State of California
Office of the Attorney General

April 27, 1984

John K. Van de Kamp
Attorney General

Hon. Alice Lytle
Judge of the Municipal Court
Department G
County of Sacramento
720 Ninth Street
Sacramento, California 95814

Dear Judge Lytle:

Thank you for agreeing to serve on the Racial, Ethnic and Religious Violence Commission which I am in the process of creating.

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.

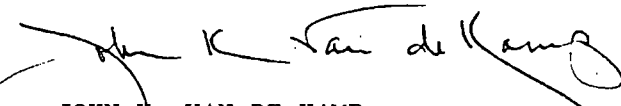
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Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,


JOHN K. VAN DE KAMP
Attorney General

ac

Enc.



State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

April 27, 1984

Mr. Tom Coleman
P. O. Box 6363
Glendale, California 91205

Dear Mr. Coleman:

Thank you for agreeing to serve on the Racial, Ethnic and Religious Violence Commission which I am in the process of creating.

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.


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Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,


JOHN K. VAN DE KAMP
Attorney General

ac

Enc.



State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

April 27, 1984

Mr. Joaquin Avila
President and General Counsel
MALDEF
28 Geary Street
San Francisco, California 94108

Dear Mr. Avila:

Thank you for agreeing to serve on the Racial, Ethnic and Religious Violence Commission which I am in the process of creating.

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.


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Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,


JOHN K. VAN DE KAMP
Attorney General

ac

Enc.



State of California
Office of the Attorney General

April 27, 1984

John K. Van de Kamp
Attorney General

Msgr. William Berry
Inter-religious Council
of Southern California
1400 West 9th Street
Los Angeles, California 90015

Dear Msgr. Berry:

Thank you for agreeing to serve on the Racial, Ethnic and Religious Violence Commission which I am in the process of creating.

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.

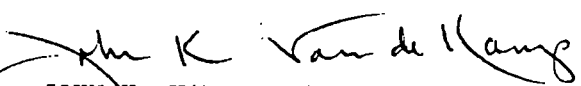
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Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,


JOHN K. VAN DE KAMP
Attorney General

ac

Enc.



*Announcement by Vol
Names - Comm*

State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

April 27, 1984

Mr. John Mack, President
Los Angeles Urban League
3450 Mt. Vernon Drive
Los Angeles, California 90008

Dear Mr. Mack:

Thank you for agreeing to serve on the Racial, Ethnic, and Religious Violence Commission which I am in the process of creating. *Minority*

The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities. I believe we must continue to be concerned with this type of violence. Creation of the Commission to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem is a logical next step to the recommendations of the 1982 Task Force.

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Thank you for your consideration. I look forward to working with you on the Commission.

Sincerely,

John K. Van de Kamp

JOHN K. VAN DE KAMP
Attorney General

ac

Enc.



State of California
Office of the Attorney General

John K. Van de Kamp
Attorney General

May 9, 1984

Diane C. Yu, Esq.
Court Commissioner
Alameda County Superior Court
Board of Directors, Asian American
Bar Association
Member Asian Women Lawyers
1221 Oak Street
Oakland, CA 94612

Dear ~~Ms. Yu~~ ^{Diane}

I am pleased to advise you that the appointment of all the members to the Racial, Ethnic, Religious and Minority Violence Commission has been completed. I will be announcing creation of the Commission to the press on Thursday, May 10, 1984. Enclosed is a copy of the press release and a list of the members for your information.

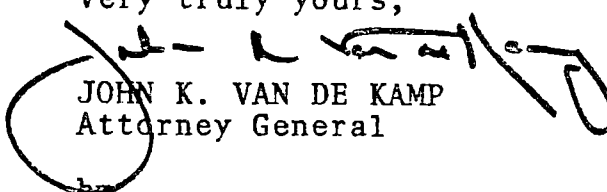
I have asked Msgr. William Barry to chair the Commission. We anticipate the first meeting to be held in Los Angeles on one of the following dates: June 18 at 2 p.m.; June 22 at 2 p.m.; or June 29 at 2 p.m.

Marty Mercado is coordinating the meeting. Please let her know by the end of next week which of these dates you are available. She can be reached at: (916) 324-7859.

As soon as the date has been finalized, she will contact you regarding the place and other details, and send out a formal agenda. Enclosed is a packet of pertinent material, including a copy of the 1982 Governor's Task Force Report.

Again, thank you for your participation. I look forward to seeing you at the June meeting.

Very truly yours,


JOHN K. VAN DE KAMP
Attorney General

Encls.

cc: Marty Mercado, Chief
Office of Community & Consumer Affairs

LIFE

Section **D**

FILE

ABC may be shelving the schlock

See Bill Mann, Page D-5



Alameda County Superior Court Commissioner Diane Yu: Her accomplishments have won her national recognition.

By Reginald Pearman/The Tribune

Oakland's tiny jurist is judged tops

By Louise Woo
The Tribune

Three years ago, trying to look appropriately serious in a somber black judicial robe, Alameda County Superior Court Commissioner Diane Yu sat down for her first day at the bench and found she could not see over the top.

"I had to sit on two phone books to see over the bench," she said, laughing at the memory. "Later, I fixed the chair."

Although short in height, Yu has proven herself to be tall in ability.

Chosen out of 22,000 nominees, the 34-year-old judge was selected as one of Ten Outstanding Young Women of America for 1985 and was recently honored at the 14th annual awards ceremony in Washington, D.C.

The award is given each year to 10 women who have made "outstanding accomplishments"

in their professions and communities. Board members from national women's organizations such as the American Association of University Women and the National Council of Negro Women select the final 10 from 50 state winners who were chosen from the thousands of nominees.

Given her seemingly boundless energy for community involvement, Yu's award was no surprise to her friends and colleagues, although she herself said she was "stunned."

"When I heard it over the phone, I said, 'Could you repeat that?'" Yu said. "I've done all these things — both professional and extracurricular — because I enjoy them. I didn't do it for recognition. I don't even do all the things I'd like to do."

A judge who specializes in probate law (wills, estates and guardianships), Yu is active in no fewer than 17 professional and civic organizations and simultaneously holds three chair or co-

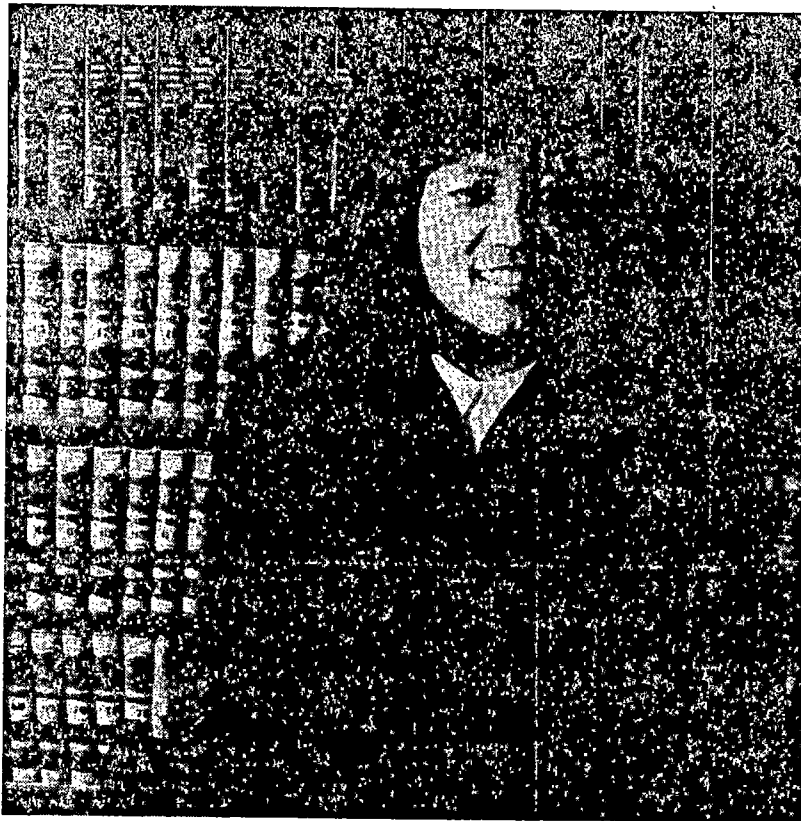
chair positions, two vice-chair positions, participates in five active committees and sits on the board of directors of four other organizations.

She heads two committees in the prestigious American Bar Association, judges moot courts at the University of California at Berkeley Law School, and gives educational seminars on probate law and estate settlement for other lawyers.

The things Yu likes to do revolve around both her legal profession and her commitment to minority concerns, particularly for the Chinese American community.

She rejects the notion that Asians, as an ethnic group, have been uncommonly successful and immune to the discrimination experienced by other minorities. In the legal profession, she said a minority lawyer will still have more difficulty rising

See JURIST, Page D-3



By Reginald Pearman/The Tribune

Diane Yu expresses a special concern for the new members of the Asian American community.

Jurist

Continued from Page D-1

up through the ranks than whites with equivalent education and experience.

"There's been a lot of press in the last five years about Asians being 'model minorities,'" Yu said, "and yet people forget that a large percentage of the Asian American population is the recently arrived immigrant who has language difficulties, cultural difficulties and needs that are very different from people born here."

"You have to be very cautious about generalizing," she said. "Asians as a group do tend to put emphasis on education, which is fortunate because it is one of the ways that Americans of any race can improve their lives. But we're not that assimilated. Considering our numbers, there are very few Asians in positions of power, either elected or appointed."

An active member of the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Yu said that there has actually been a racist backlash against Asians in recent years, especially by people who see them as a threat to their economic well-being.

The Asian-as-enemy stereotype has been reinforced for many decades, Yu said. America fought against Asian governments in World War II, and in the Korean and the Vietnam wars, she pointed out. She said it is one of her goals to see that prejudice against Asians does not carry on.

The other side of Yu, beyond her professional and civic commitment, is an animated, witty woman who cries at operas and makes bad puns.

Yu's friends and colleagues use words like "energetic, trustworthy and generous" to describe her. They call her a true Renaissance woman — a poet, a former singer (alto) with the California Bach Society, a serious movie buff and a "terrific" Trivial Pursuit player.

"People like her because she is down-to-earth and friendly," said John McDonnell, chair of the Alameda County Bar Association Probate Committee, of which Yu is a member.

"You can both respect, admire and like her a lot," he said. "She's very good in the courtroom. She has a lot of caring for the people she sees."

There are no miracles in Yu's success, little luck, even. Mostly, she credits her achievements to long hours and good ancestry.

Born in Rochester, N.Y., to former American Heart Association president Dr. Paul N. Yu and his wife, clinical pediatrician Dr. I. Ling Tang, Diane Carol Yu was the second of four daughters. The sisters were jokingly called the "Yu Dynasty"

by their classmates because of their academic prowess.

All four pursued their educations rigorously. Diane Yu obtained her undergraduate education at Oberlin College in Ohio and her law degree from Boalt. Her sisters graduated from Harvard, Wesleyan and Brown.

"It was a pretty stimulating environment at home," Yu said. "We had an excellent set of role models. I never wondered whether a woman could have a career."

After college Yu spent two years teaching English and learning Chinese in Taiwan. After becoming a lawyer she was an associate with the Oakland law firm of Johnston and Klein for six years.

She now puts in an average of 65 hours of work each week as commissioner and then devotes her off hours to social causes and committee work.

On an average day she will see uncontested probate cases in the morning, trials in the afternoon, attend meetings in the evenings and on Saturdays. She squeezes in a movie when she can.

"She makes use of every minute," said close friend Ophelia Basgal, director of the Alameda County Housing Authority. "I don't think she allows herself to sit down and breathe for a minute. I razz her about that, but we're both that way. If we're waiting in a restaurant we always have a book or work or something to keep us busy."

Yu's good nature, high energy and almost obsessive efficiency — may be her weakness, too, friends say.

"She always remembers people's birthdays, sends cards, little things like that," said Hoyt Zia, president of the Asian American Bar Association and a friend for the past four years.

"I think she is genuinely too nice sometimes. I worry that others will take advantage of her."

Yu admits that she has occasionally given more to others than she has to herself, but says that her friends have given her much in return.

Perhaps the only thing they have not been able to give her is a family of her own. As with many professional women, Yu still wrestles with the dilemma of how and when she will fit marriage and children into her life, but says that she worries less about it now than she did when she was in her 20s.

"There are times when I wouldn't change a thing and there are some areas that have unlimited possibilities — like having children," she said. "But I don't feel hopelessly deficient without them."

State Bar Tap Diane Yu

SAN FRANCISCO -- Diane C. Yu, currently a White House Fellow in Washington D.C. on leave from her duties as a probate commissioner for the Alameda County Superior Court, has been named General Counsel by the State Bar of California.

Yu, 35, has spent her White House fellowship year working for Clayton Yeutter, the United States Trade Representative. Her responsibilities included assisting Yeutter during meetings on the General Agreement on Tariffs and Trade in Uruguay in 1986, and serving as a member of the negotiating team in the U.S.-Canada free trade arrangement negotiations in preparation for the Venice Economic Summit.

In 1983 Yu was appointed as a

commissioner for the Alameda County Superior Court, hearing probate and family law matters and supervising the court's eight research attorneys. Prior to her work as a commissioner, she was with the Oakland law firm of Johnston & Klein (now Johnston & Horton), specializing in probate and estate planning, civil litigation and real estate.

Yu was chair of the State Bar's Committee of Bar Examiners in 1984-85, and has served on numerous other local, state and national professional and community organizations. In 1986 the American Bar Association Young Lawyers Division magazine, *Barrister* featured her as one of "20 Young Lawyers Whose Work Makes a Difference," in 1985 she

was named one of Ten Outstanding Young Women of America.

She is a 1973 graduate of Oberlin College in Ohio, and received her law degree in 1977 from Boalt Hall School of Law at the University of California at Berkeley. Yu was born in Rochester, New York.



BY MORRIE TURNER

SOUL CORNER

YOU,...

YOU'RE NOT
PRONOUNCING
HER NAME
RIGHT, RALPH.

IT'S *DIANE YU*!
SHE IS AN ALAMEDA
COUNTY, CALIFORNIA,
SUPERIOR COURT
COMMISSIONER.



SHE WAS
SELECTED AS ONE OF 10
OUTSTANDING YOUNG
WOMEN OF AMERICA
FOR 1985.



SHE'S A JUDGE
WHO SPECIALIZES
IN PROBATE
LAW, AND SHE
IS ACTIVE IN
NO FEWER THAN
17 PROFESSIONAL
AND CIVIC
ORGANIZATIONS.

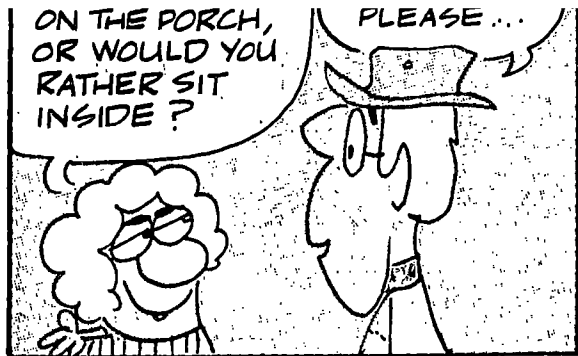
THANKS FOR
BRINGING HER
NAME UP.

WHAT DID
I SAY?



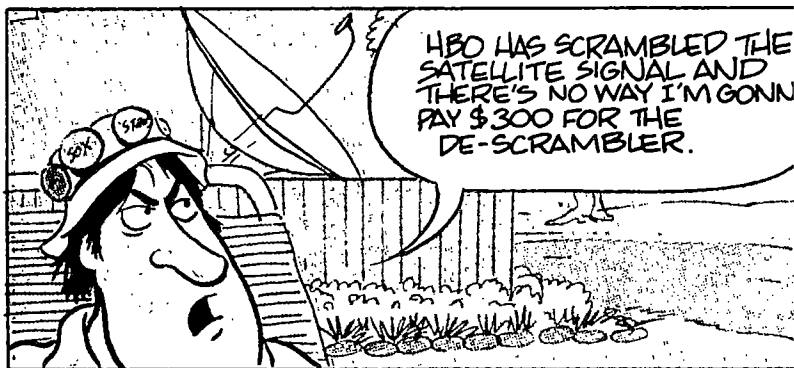
DIANE YU

October 19, 1986



TANK MCNAMARA

by Jeff Millar & Bill Hinds



F : RRMU
Diane

March 8, 1985

TO: Diane Yu - John Saito

I forgot to mention following item at the March 4 meeting:

The California Youth Authority has scheduled a Transfer of Knowledge Workshop on Crime and Violence Among Asian/Pacific Islander Youth: Delinquency Prevention Strategies for March 20-21-22, at the Marina Inn in Sacramento.

The purpose of the workshop is to bring together experts in the state as well as interested citizens to share information and to identify model programs.

They have contacted me to see if any of our members would be interested in attending, particularly those representing the Asian community.

I explained that you all have very busy schedules, however, I am passing this along to you for your information.

/s/

MARTY MERCADO

cc: Msgr. William Barry

GLEN CRAIG

COMMUNITY LIAISON REPS - ZODRAW, SUGIYAMA, QUON

JACK DUGAN

Send
Family Violence
brochures to Judy
ok - 3/11

12/7

✓ 5-2046
Judy Miyao - Dept. of Youth Authority

holding series of workshops - next one March - re "transfer of knowledge: - experts and community people to talk about successful programs in area of RERMV - will develop a brochure to go out of community

Also creating a statewide information system

- 1) wants to invite Msgr. to participate in March workshop - in Orange County(?)
- 2) MM suggest send information on what their committee is doing for dissemination of Commission - will also schedule them for a future meeting

they will send a representative to the December meeting

Memorandum

To : Marty Mercado, Chief
Office of Community and Consumer Affairs
Office of the Attorney General
1515 K Street
Sacramento, CA 95814

Date : December 17, 1984

Subject :

From :

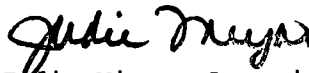
It was a pleasure talking with you on the 7th. We really do need to share information on the involvement of our respective Departments regarding crime and violence among Asian/Pacific Islander youth.

As we discussed, the Youth Authority has scheduled a Transfer of Knowledge Workshop on Crime and Violence Among Asian/Pacific Islander Youth: Delinquency Prevention Strategies. This workshop will be held in March, 1985. The purpose of the workshop is to bring together experts in the state as well as interested citizens to share information and to identify model programs. Attached is a copy of some background material for your information as well as a roster of the planning committee members.

The committee met in San Leandro on Friday, December 14, to finalize the program. I can send you a copy of it as soon as it is approved.

Thanks for your interest.

Sincerely,



Judie Miyao, Associate Governmental Program
Analyst
Prevention & Community Corrections Branch

JM:tt

Attachment

cc: Dick Tillson

Planning Committee

Inspector Dan Lyons
Special Investigations
Garden Grove Police Department
11301 Acacia Parkway
Garden Grove, CA 92642
(714) 638-6738

Joseph Marchol
Deputy Probation Officer
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Orange County Probation Department
14180 Beach Boulevard, Suite 102
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(714) 894-9837

Pat Luce
National Office of Samoan Affairs
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(415) 776-9944

Avian Hall
19196 Sierra Isabella Road
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(714) 854-1155

Beverly Yip
1031 - 25th Street
San Diego
(619) 232-6454

Leland Wong, Associate Director
United Way, Inc.
621 South Virgil Avenue
Los Angeles, CA 90005
(213) 736-1300

Maraye Nakamura, Specialist
Follow-Through Project
Oakland Unified School District
1025 - 2nd Avenue
Oakland, CA 94606
(415) 836-8165

It. John McKenna
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94102
(415) 553-1401

Sgt. John Laurie
Los Angeles Sheriff's Department
Norwalk Station
211 West Temple Street
Los Angeles, CA 90012
(213) 863-8711, Ext. 393

TRANSFER OF KNOWLEDGE
CRIME AND VIOLENCE AMONG ASIAN/PACIFIC ISLANDER YOUTH:
DELINQUENCY PREVENTION STRATEGIES

December 14, 1984
San Leandro

Time	Subject	Process	Person(s) Responsible
10 a.m.	Community Input	o Share information	Community members
11 a.m.	Program/Budget	o Critique o Format o Keynote speaker o Identify presenters o Work groups o Finalize program	Don/Group
12 noon	Lunch		
1 p.m.	Invitees	o Review list o Select invitees	Don
1:30 p.m.	Funding sources	o Review and finalize letter o Deadline January 18, 1984	Don
2 p.m.	Community Endorsements	o Status report	Committee
2:30 p.m.	Break		
2:45 p.m.	Workshop Site	o Report o Location	Judie
3 p.m.	Other Business		
3:30 p.m.	Wrap-up		
4 p.m.	Adjourn		

Planning Committee Meeting
October 18, 1984
P & CC - Tustin Office

- . Unaccompanied minors
- . Historical background (cultural) - how much is a continuation of the original culture?
- . Language barriers
- . Racism in crime
- . Economy - is there some correlation?
- . Assimilation/acclturation
- . Value system
- . Differentiate between cultures - problem and approach

2. Problem/statistics/current crimes

- . Unaccompanied minors
- . Statistics and problems in gathering data and relationship to police
- . Racism in crime
- . Crimes/nature
- . Extortion

3. Intervention/prevention strategies

- . What strategies (that work - prevention)
- . How to work with target population
- . Victim assistance
- . Educating staff (institutions/field) cultural aspects, and problems, what are we doing to solve them
- . Interagency strategies
- . Community education
- . Language barriers
- . Involvement of educational institutions
- . Racism in crime
- . Economy - is there some correlation?
- . Assimilation/acculturation
- . Value system
- . Differentiate between culture - problem and approach
- . How the institutions need to prepare themselves to deal with the problem (law enforcement, county government, social services, schools)

Because there are two vacancies on the planning committee, Don asked for input for possible memberships. The following list was developed:

Beth Baldwin - Orange County
Two women probation officers - Orange County
Dr. Vince Reyes - Oakland
Mai Cong - Mental Health - Orange County
International Institute - Los Angeles
Pat Luce - San Francisco
Catholic Social Services - Los Angeles
Beth Rosales - County Division Vanguard Foundation
SF Chuong - UCB
Lan Le
Judy Chu - UCLA

Phil, Judie, and Don will make contacts and the final decision.

Input to the planning process was discussed. The following were suggestions:

- o Eight-hour community meetings (hearings)
- o Two-hour open meeting - north and south
- o Letters
- o Selected interviews with experts in the community.

It was decided that the planning committee should develop lists (north and south) of community members and submit to Don. These lists will be held in abeyance until January, 1985.

Don reported on the development of a data base. He said CYA can program information by region and by topics. The committee decided the following information should be included:

Topics/Sources

- o People who have expertise from law enforcement (Asian/Pacific)
- o Legislation
- o Statistics
- o Breakdown by ethnicity
- o Demographics
- o Inventory of services
- o Inventory of language skills/resource people
- o School population/ethnic enrollment
Location, census tracks
- o Southern California Association of Government
- o United Way
- o Chief Administrative Officer, Los Angeles
- o Schools

Bibliography and articles - Send references to CYA, Attention: Judie Miyao, or next meeting.

Funding sources were discussed. Possible sources were identified by the committee:

Vivian Hall -

Irvine Foundation (Orange County)
Alice O'Neill Avery Foundation
Edward T. Foleys (Pasadena)

Dan Lyons -

Garden Grove Elks Community and Social Welfare

Joe Warchol -

Fluor Foundation

Don Cohon -

Will send list to Judie. Don will draft a letter by October 26 for review by CYA administrators.

The role of the media was discussed. Don reported that a hospital Cable TV network is interested in telecasting a portion of the workshop. The other alternative is to bring presenters into the studio. Don will follow up. Judie will contact CYA's information officer to ensure proper media coverage.

Date and Location of Workshop

March 20-22, 1985

Holiday Inn - Chinatown, San Francisco, or Claremont Hotel, Berkeley

Masaye will contact the hotels and report to Judie.

Next meeting

December 14 at P&CC's San Leandro Office
1234 East 14th Street, Suite 201
San Leandro, CA 94577.

Maria Jan - Jeto

o. Identify your expectations for the workshop.

o What will success look like for you?

Process:

- Brainstorm

- Clarification

- Categories

- Prioritize

o Develop an approach for utilizing the media.

o Be sensitive in using the media.

o Pass on information and take back information.

o Be sensitive to the Asian-Pacific Community.

o Editorial report - Asian Press.

o If programs developed in workshop are adopted and used statewide.

What will success look like to you?

- o Recommendations are specific, realistic, and adopted.
- o Responsible product with clear alternatives stated.
- o Outcome needs to be a viable product other than the brochure with a follow-up plan.
- o High level interest is generated for follow-up activity. How do you do it?
- o Develop a strategy(s) for involving high-level interest.

SOLUTIONS

1. Statewide networking

Public/private sector agencies

- | | | |
|--------|---|--------------------|
| State | { | o Education |
| County | | o Business |
| City | | o Health (public) |
| CBO | | o Criminal justice |
| | | o Social services |

2. Identify models and successful resources

- o Violence reduction
- o Primary prevention
- o What is working?

PACKAGING

Public Awareness-Media

1. Pre Workshop

- o Asian-Pacific youth involvement
- o Asian-Pacific community help in identifying problems
- o Representative from CDC
- o Educational institutions
- o Financial support
- o Media--minimize negative publicity Asian Media
- o Top city officials

2. During Workshop

- o Asian-Pacific youth involvement
- o Top city officials
- o Media--positive, Asian media
- o Community leaders in attendance
- o Topics discussed relevant to a statewide audience

3. Post Workshop

- o Maintain contact with attendees
- o Media follow up (Asian Media)
- o Legislature
- o Funding sources
- o Statewide awareness
- o Distribution of products
- o Evaluation

PRODUCT

- o Central depository of information
- o Brochure/Report
- o Ethnic languages
- o Identification of unmet needs
- o Recommendations for legislation
- o Recommended demonstration projects
- o Evaluation of the potential for replication
- o Successful statewide program to be shared nationally

SCOPE OF THE PROBLEM

Accuracy - Violence in the Asian Community

- o Identify problem
 - Target group
 - Demographics
 - Gang
 - Asian youth
 - Types of violence/uniqueness
 - Cultures/differences/language/historical international
- o Criminal activity
 - Child abuse
 - Fraud
- o Existing resource/stability